SENATE—*Wednesday, July 27, 1988*

(Legislative day of Tuesday, July 26, 1988)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable BOB GRAHAM, a Senator from the State of Florida.

PRAYER

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

Let us pray:

Be still, and know that I am God * * *.—Psalms 46:10. * * * *in quietness and in confidence shall be your strength* * * *.—Isaiah 30:15.

Gracious God, our Father, sometimes we take pride in being busy—as though business is a virtue, whether anything is accomplished or not. But we are frustrated and enervated by nonproductivity. So easily do we deceive ourselves by just keeping busy.

Forgive us, Father, for this delusive idea. Help us to see the wisdom of quiet, undistracted moments when we can hear Thee—feel Thee—be energized by Thy strength and guided by Thy wisdom.

We pray in Jesus' name whose every step was in the Father's will and every moment infused with the Father's strength. Amen

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB GRAHAM, a Senator from the State of Florida, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his prayer. It was brief, but powerful.

SCHEDULE

Mr. BYRD. Mr. President, I hope that the Senate will be able to finish its work on two appropriation bills today, the Commerce, State, Justice, Judiciary appropriation bill, which will be before the Senate at the conclusion of morning business, then the Senate will go back to the Labor-HHS appropriation bill. There has been considerable work done on that bill.

I would suggest that Senators be prepared to stay into the evening until we finish that bill today. We cannot afford to spend too many days on that bill. This is the second day that the Senate will have been on that bill. So there will be rollcall votes throughout the day.

I hope that staffs that are listening and watching will inform their Senators that this will be, in all likelihood, a long day in an effort to finish action on the Labor-HHS appropriation bill.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

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

Mr. DOLE. Mr. President, I reserve my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 1 minute each.

Mr. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Four minutes.

Mr. BYRD. I yield 4 minutes to the Senator.

Mr. PROXMIRE. Mr. President, I thank my good friend the majority leader very much.

REAGANOMICS—SMASHING SUCCESS OR CATASTROPHIC FAILURE?

Mr. PROXMIRE. Mr. President, President Ronald Reagan is the first President since the end of World War II whose term of service has coincided with both a drop in inflation and unemployment. Some call this a brilliant success. In my view when the historic verdict is in, Reaganomics will be viewed as a catastrophic failure. In the judgment of this Senator, President Reagan's policies will eventually do more damage to the American economy than the policies of any administration in history. Prof. Robert Dunn is a professor of economics at George Washington University. On Sunday, July 24 the Washington Post carried an article by Professor Dunn. Dunn called on Post readers to recognize that the Reagan administration "has been the most successful administration—in the areas of unemployment and inflation—since World War II * * * and these are the aspects of economic performance about which the voters care most." Mr. President, the Reagan administration has had about as much to do with the diminution of inflation as Richard Nixon had to do with restoring ethics to American Government. The Federal Reserve Board under the leadership of Chairman Paul Volcker broke the back of inflation with a restrictive monetary policy fought every inch of the way by the administration. But that is not the main problem with Dunn's analysis.

The trouble is that Professor Dunn does not go back far enough in our political and economic history. Who were the last Presidents to have smashing double success in bringing down both unemployment and inflation? It was the dynamic duo of Warren Harding and Calvin Coolidge. When Harding and Coolidge took office in 1921 the country's unemployment was 11.7 percent. The year they left office in 1929 unemployment had fallen to 3.2 percent. The year Harding and Coolidge moved into the White House the consumer price index for all items stood at 53.6 percent. The year they left office in 1929 the consumer price index had fallen to 51.3. So the American consumer enjoyed a deflation of nearly 5 percent during those 8 years. In spite of this performance is there an economist anywhere in the world who would claim the Harding-Coolidge economic policies were a success? As we know, the Harding-Coolidge admin-

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

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istration was followed by the most disastrous economic depression in the Nation's 200-year history. By 1933 unemployment climbed to an horrendous 25.2 percent. Of course, prices fell. In fact, the country suffered a tragic deflation. Few consumers benefited because tens of millions of consumers had little or no income.

Mr. President, it is more than a coincidence that President Ronald Reagan's favorite President was Calvin Coolidge. The country did appear to thrive during the Harding-Coolidge administration. A professor of economics looking back on the record of that administration in July 1928—60 years ago—could have made the same glowing statement about Coolidge economics that Professor Dunn makes about Reaganomics. How wrong he would have been. The policies pursued by a Presidential administration should never be judged simply by what has happened in the course of that administration. The consequences of the policies of an administration are much more likely to be spelled out in the 10 or 20 years after, I repeat after, the administration leaves office.

This is specially true with the Reagan administration. Of course, all of us know that no administration in history has increased the national debt as dramatically as the Reagan administration with two significant exceptions. One was the Wilson administration. The other was the Roosevelt administration. In both cases, the Federal Government's national debt soared because of World Wars. Why was that different in its effect on the Nation's economy? It was different because in both administrations both household debt and business debt—in relation to family savings and business earnings respectively—did not rise. In fact, they fell. They fell sharply. In aggregate, all debt in our country increased very little in both world wars.

This is why after both world wars, the country swiftly moved into substantial periods of recovery. The pent-up civilian demand for housing and autos that had been building with the higher incomes and huge private savings of the war years and the virtual elimination of private debt—especially in the household sector, provided a great surge of effective demand when the wars ended. But today, both the private and the public sector are up to their eyebrows in debt.

The Reagan administration has given the country an economic first in this respect. Here is an administration that immensely increased our Federal Government's debt in peacetime. I repeat—in peacetime. While the national debt was breaking all records, household debt was zooming up even faster and farther. The national debt is $2.5 trillion. The household debt is now much bigger at more than $3 trillion. And the business debt—including all business incorporated and unincorporated, plus farm debt now exceeds $4 trillion. The country's economy, including the private as well as public sector, has been living far beyond its means for the past 7 years. It has incurred an interest burden that is already the most rapidly rising burden of government. Interest is also becoming the biggest cost of most American families. In business, the interest burden is becoming specially serious with business debt now more than three times higher in relation to earnings than it was in the healthy period of the mid-1950's.

What happens to this mighty American economy when our Nation stops living beyond its means? Or what happens if we never do put on the spending and borrowing brakes? In either event the answer is disaster. The policies of the Reagan administration judged only from the perspective of the summer of 1988 do, indeed, have an aura of success, just as the policies of the Harding-Coolidge administration judged in the summer of 1928 had the aura of success. Unless we disregard the experience of every family, every business and every country that has lived beyond its means, the verdict on the Reagan administration a few years from now is likely to be very, very different than Professor Dunn's view today.

Mr. President, I ask unanimous consent that the article to which I have referred, "Don't Knock Reaganomics," by Prof. Robert Dunn, Jr., be printed in the RECORD at this point.

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

[From the Washington Post, July 24, 1988]

DON'T KNOCK REAGANOMICS

(By Robert Dunn, Jr.)

Ronald Reagan is the only president since World War II to reduce both inflation and unemployment, and he presided over a significant decline in each number. Whatever the other problems in the economy, including budget and trade deficits, this is an enormous accomplishment.

As can be seen in the accompanying table, the rate of inflation in the United States fell by more than 8 percentage points from 1980 to mid-1988, while employment declined by 1.4 points. The importance of this success can be seen by comparing it to the performance of other postwar administrations.

It may not be entirely fair to include Harry Truman, because his administration began in a period of wartime mobilization and price controls. Nevertheless, he presided over a reduction in inflation at the cost of an increase in unemployment. Both economic indicators worsened during the Eisenhower years, with unemployment rising by 2.5 percentage points while inflation increased by 0.6.

The Kennedy administration was basically a period of no change—both numbers worsened by an insignificant amount (0.1 percentage point). LBJ followed the conventional view of a Democratic administration by reducing unemployment at the cost of more inflation. The Nixon era was a disaster; inflation accelerated by 7.5 percentage points while unemployment rose by 2.0 points. Gerald Ford slowed inflation dramatically at the cost of increased unemployment, while Jimmy Carter presided over a 7.7 percentage point rise in inflation and a small (0.6 point) reduction in unemployment.

Except for John Kennedy, every president from Truman through Carter produced either an improvement in one number at the cost of a worsening of the other, or a deterioration in both aspects of the economy. Only in 1980-88 did both numbers get better.

A number of factors contribute to the favorable record of the Reagan administration in reducing both inflation and unemployment:

Reagan was extremely lucky in having OPEC collapse during his term of office. Declining prices for imported oil both reduced inflation and increased the incomes which Americans had to spend on other domestically produced goods. Richard Nixon, Ford and Carter were all plagued by the opposite results as OPEC prices soared.

Another fortunate factor was that the bulk of the baby boom completed its arrival at working age in the 1970s. It is far easier to cut unemployment when the labor force grows at 1.7 percent a year, as in the '80s, than when it grows at a 2.9 percent annual rate as in the '70s.

Deregulation of the economy, which was begun by Carter and continued by Reagan, sharply increased competition and held down prices in areas such as trucking, airlines and railroads. Under Reagan a declining real minimum wage produced also increased job opportunities and reduced costs and prices in the services sector. One guaranteed way to increase both unemployment and inflation in 1989-90 is to enact a sharp increase in the minimum wage later this year.

The growing role of imports in the U.S. economy has put American firms under strong competitive pressures to hold down costs and prices, thereby reducing inflationary pressures across the economy.

Continued decline in the importance and power of labor unions, resulting in part from domestic deregulation and growing competition from foreign producers in U.S. markets, has reduced an important source of cost-plus inflation in the American economy. At this stage of past cyclical recoveries, unions were typically able to negotiate large wage increases, but the reduced power of organized labor now produces less inflationary wage settlements despite relatively tight labor markets. In a number of ways the U.S. economy has become much more competitive in recent years, allowing a far longer cyclical recovery without unacceptable inflation.

Perhaps most importantly, the monetary policy pursued by the Federal Reserve System since mid-1979 has greatly reduced inflationary expectations, which strongly encourages those setting wages and prices to behave more responsibly than they have in the past. Paul Volcker (appointed by Carter and reappointed by Reagan) and Alan Greenspan (a Reagan appointee) have managed to convince the markets that the monetary follies of the 1970s are at an end and that inflationary wage and price decisions will not be sustained by an expansionary monetary policy. Once businessmen and union officials have that idea firmly driven

into their heads, wage- and price-setting decisions become much more restrained.

To argue that the Reagan administration has produced a major or even unique accomplishment in cutting both inflation and unemployment is not to suggest that it has had no economic policy failures. The legacy of the huge foreign-trade and federal budget deficits remains. In the areas of unemployment and inflation, however, this has been the most successful administration since World War II, and these are the aspects of economic performance about which the voters care most. Michael Dukakis may discover this fall that attacking the Reagan administration's economic record is not so easy.

Mr. PROXMIRE. I once again thank my good friend the majority leader and yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader, the Senator from Kansas.

BICENTENNIAL MINUTE

JULY 16, 1787: THE GREAT COMPROMISE

Mr. DOLE. Mr. President, 201 years ago this month, on July 16, 1787, the Constitutional Convention, meeting at Independence Hall in Philadelphia, adopted what we now call the great compromise, which established the basis of representation in the Senate and House of Representatives.

A dispute over representation between large and small States almost caused the Convention to collapse at its midpoint. James Madison's original Virginia plan had called for Congress to be apportioned according to population. But the smaller States feared they would be swallowed up under such an arrangement. William Paterson introduced the New Jersey plan, which provided simply for strengthening the articles of confederation, where all States had equal respresentation in a single-chambered Congress. James Wilson of Pennsylvania responded heatedly: "Can we forget for whom we are forming a government? Is it for men, or for imaginary beings called States?"

The two positions seemed so diametrically opposed that the Convention became stalemated, and George Washington privately feared that the entire effort would surely fail. Benjamin Franklin suggested that each session should be opened with a prayer so they could "implore the assistance of heaven" in reaching a compromise.

Before the delegates recessed to celebrate the Fourth of July, they appointed a committee of 11 to try to resolve their differences. Working in Philadelphia's sweltering summer heat, this committee devised the great compromise. On July 5, Elbridge Gerry read the committee's report to the Convention. They had melded the Virginia and New Jersey plans to create a House with proportional representation, and a Senate where States would be equally represented. After some debate on July 16, the Convention adopted the plan by a narrow one-vote margin, thus making possible the Constitution of the United States, and creating the U.S. Senate.

KOREAN ARMISTICE ANNIVERSARY

Mr. DOLE. Mr. President, 35 years ago today, an armistice was signed that ended a war that had touched the lives of over 1½ million Americans. That armistice had taken over 2 years to be negotiated and made memories of such legendary battles as Porkchop Hill, Heartbreak Ridge, and Chosin Reservoir. The war in Korea had finally ended.

In fact, I must say, as I came to work this morning, I saw the flags at half mast and learned later they are at half mast in recognition of this, at least that is what we are advised by the Architect's Office, of this anniversary 35 years ago today of the armistice signed to end that war.

There were no marching bands or cheering throngs and some people even refer to that war today as the "forgotten war." But I want to tell those proud warriors who served and the survivors of the more than 54,000 who didn't return that a grateful nation has not forgotten their efforts. They fought proudly in some of the most adverse conditions imaginable—sometimes in temperatures dipping to 40 below zero—and they upheld the finest traditions of the American fighting man.

RUDMAN RECOGNITION

Mr. President, I ask unanimous consent that a recent VFW magazine article on the war be printed in the RECORD at this time.

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

THE FIRST MORAL CRUSADE

[By Richard K. Kolb]

"If the best minds in the world had set out to find the worst possible location in the world to fight this damnable war, politically and militarily, the unanimous choice would have been Korea!"

That assessment of U.S. intervention in that Northeast Asian nation was one the servicemen charged with carrying out U.S. policy no doubt agreed with.

On July 26, 1953, a flash message went out to the 26,000 Marines manning the main line of resistance (MLR) in western Korea. It directed that there be "no celebration firing related in any way to the advent of the armistice." Each frontline company was authorized to fire one white star cluster at 2200 hours to signal the ceasefire.

According to plan, thousands of flares illuminated the sky along the 155-mile front which stretched from the Yellow Sea to the Sea of Japan. That day the Korean War ended officially in Washington after two years of negotiations. It also quickly faded from the minds of the American people.

The Korean War remains a hazy event at best. Only 40% of the public is old enough to remember it. And since Korean Era veterans make up less than a fifth of the total U.S. veteran population, they traditionally have attracted little attention. Moreover, until 1958, the war in Korea was not even officially dignified by that term. Even today, the Truman Administration's euphemisms of "conflict" and "police action" hold sway.

Intervention in the Hermit Kingdom was undertaken under the aura of an international moral crusade. Newsweek called it an act of "courageous knight-errantry." Truman confessed that "in the final analysis, I did this for the United Nations." But the average post-WWII American displayed scant enthusiasm for abstract causes—only 7% supported Truman's idealistic rationale.

While Washington's geopolitical intentions were unclear, the cause of the conflict was clear-cut. On June 25, 1950, 135,000 North Korean troops, spearheaded by 200 Russian-built tanks and planes, crashed across the 38th parallel, crushing South Korean defenses. Nearly a third of the attacking troops were veterans of the Chinese Army, hardened by years of war against Japan in Manchuria. America and its South Korean protege, on the other hand, were totally unprepared for war in East Asia.

The U.S. Army divisions then occupying Japan existed in skeleton form only and had to be fleshed out by cannibalizing other units stationed throughout the world. Nonetheless, a unit was rushed to the peninsula on July 1 as a symbolic show of support. The 1st Battalion, 21st Infantry, 24th Infantry Division, called Task Force Smith for its commander, Lt. Col. Charles B. Smith, had the distinction of sustaining the first U.S. killed in action at Osan on July 5. It quickly became obvious that reinforcements were needed desperately.

[A detachment from the 507th Antiaircraft Artillery Automatic Weapons Bn. was the first combat unit sent. See "The First to Fight" on page 26.]

Army, Marine Corps and Navy Reservists were called to active duty to supplement regular forces. In fact, 20% of Korean Era servicemen also served in WWII. These "retreads" proved an invaluable resource among the inexperienced ranks. Indeed, only 10% of active duty Marines were WWII veterans in 1950. Changes in the composition of the U.S. Army in Korea reflected the varied sources of manpower mobilized during the course of the war. In December, 1950, over 80% of soldiers were regulars. Shortly thereafter, recalled reservists replaced many regulars on the lines. By the end of 1952, almost two-thirds of Army troops in Korea were draftees.

The Far East Command consisted of the 8th Army, 7th Fleet and 5th Air Force. Ground forces were organized into four corps, encompassing eight U.S. Army divisions, two regimental combat teams and the 1st Marine Division. Army units included the 1st Cavalry and the 2nd, 3rd, 7th, 24th, 25th, 40th and 45th Infantry Divisions. The latter two divisions were national guard units from California and Oklahoma, respectively. The 5th Regimental Combat Team was sent from Okinawa, and the 187th Airborne Regimental Combat Team operated out of Japan.

Offshore in the Sea of Japan the 7th Fleet comprised a fast carrier task group, blockade and escort forces, reconnaissance and anti-submarine units, supply and repair units and military sea transport services. The 5th Air Force fielded one tactical air force, one air combat cargo command and

two medium bombardment wings. Air power also was supplied by the 1st Marine Aircraft Wing as well as carrier-based Navy planes. The Navy and Air Force played indispensable roles throughout the war in providing both combat and logistical support.

For the most part, Korea was a groundpounders' war. GIs called Korea "the land that God forgot." It was a place where the air was constantly permeated by the stench of the night soil used as fertilizer by farmers. Mountains of endless ridges and valleys dominated the peninsula. The steep hillsides were baked by the sun in the summer, and each rice paddy formed a foul-smelling oven. In the winter termperatures plummeted to 40 degrees below zero, bringing waves of bone-chilling cold.

A tour of duty in Korea depended upon proximity to the fighting. Rear-echelon forces—two-thirds of Army personnel—served 18 months. Combat troops fought for nine to 12 months. Five-day R & R (Rest and Recuperation) to Japan were instituted to alleviate combat exhaustion. In May, 1951, the "Big R"—rotation to the States—was inaugurated. Under the point system a soldier had to earn 36 points to go home. Line troops rated four points per month; those in support roles garnered two points a month.

Fighting in Korea was fierce from the outset. And certain units were destined to suffer disproportionately. Radio commentator Walter Winchell said, "If you have a son overseas, write to him. If you have a son in the 2nd Division, pray for him." Wrote T.R. Fehrenbach, author of "This Kind of War," "The 2nd Division, while it inflicted more casualties during the Korean War than any other, always had the misfortune of losing 50% more men than the other divisions."

Indeed, the Indianhead Division, which participated in all ten named campaigns of the war, lost 7,094 men killed and 16,575 wounded in action. That combat fatality rate accounted for over 25% of total Army battle deaths in Korea. Other outfits such as the 1st Marine, 1st Cavalry, 7th, 24th and 25th Infantry Divisions also sustained high combat casualties.

While the Army accounted for over 80% of total U.S. battlefield deaths, the Air Force and Navy suffered a heavy toll in poviding support. Many of the nearly 10,000 naval and air personnel who were killed under non-combat circumstances died in aircraft accidents during supply missions. All told, the three air services (including the 1st Marine Aircraft Wing) lost more than 2,000 planes but took an immense number of enemy lives. In addition to lost aircraft, 82 Navy ships were hit—five were sunk, including four minesweepers.

Such losses contributed heavily to the conversial nature of the Korean War. Gen. Omar N. Bradley reckoned that Korea was "the wrong war, in the wrong place, at the wrong time, with the wrong enemy . . . Frankly, a great military disaster." Apparently concurring, the Truman Administration in December, 1950, abandoned all notions of military victory there. For the first time in American military history, the nation was forced to fight a war in which the enemy homeland was essentially declared off limits.

In the accordion war waged from 1951 on, the enemy body count became paramount. Gen. Matthew B. Ridgway made it clear to his field commanders that real estate was worthless; what he wanted was dead Chinese. Opportunities to comply with Ridgway's orders were abundant.

Human-wave assaults accompanied by blaring bugles, rolling drums, clashing cymbals and ear-piercing whistles were nerve-wracking to GIs but incredibly costly to Peking. In fact, Chinese units suffered 64% of the 1,467,000 dead and wounded sustained by Communist forces in Korea.

Static trench warfare—known as the "frozen war"—reminiscent of World War I was the norm once a main line of resistance (MLR) was established. After 1951, Korea became mostly a patrol war, particularly one waged at night. This was euphemistically referred to as "active defense." Combats for tactical features typified the fighting. Headline-making battles like the Pusan Perimeter, Inchon, Seoul and Chosin Reservoir were supplemented by Heartbreak Ridge, the Punchbowl, the Iron Triangle, Old Baldy, Porkchop Hill and the Berlin-Nevada Complex.

Static warfare claimed exactly half as many men as were killed and wounded during the fierce war of maneuver. Artillery duels played a large part in this phase of the war. At one point 24,000 artillery shells a day fell on U.S. lines. Peak was reached in June, 1953, when 2.7 million rounds were expended by U.S. forces. Overall, more artillery was fired in Korea than in all of WWII.

Midway through the war, Korea left newspaper headlines as well as America's consciousness. Public support was ambivalent—fluctuating from high initial approval when U.S. troops were winning to a dramatic dip in enthusiasm after Chinese intervention. Yet, "throughout the affair in Korea, the people of the U.S. remained serene in the conviction that their cause in East Asia, however frustrating, was noble and just," wrote one historian.

After Truman left office, a new approach to ending the deadlock was initiated. President Eisenhower's policy was to "Koreanize" the war. He felt that "if there must be a war there, let it be Asians against Asians, with our support on the side of freedom." By this time U.S. troops had already borne most of the West's burden for that freedom. Before the armistice was concluded, 1.5 million Americans has served on Korean soil.

U.S. ground forces' strength peaked in July, 1953, at 302,483, including Marine and Navy personnel under U.S. Army operational control. Over 90% of non-Korean UN combat dead—33,629—were Americans. Another 20,615 GIs died from other causes such as disease and accident. Some 103,284 U.S. servicemen also were seriously wounded.

Chances of surviving wounds were greatly improved during the Korean War because of the introduction of helicopters in January, 1951. Since medical evacuation was much more rapid, many men survived who otherwise would have died. However, amputation and crippling wounds to the lower extremities occurred at a far greater rate than in WWII. In spite of their casualties, U.S. forces displayed tenacity under the harshest of conditions.

A veteran of Korea and WWII remarked: "The courage, the absolute sacrifice that these boys have been willing to make and did make, these are the things you'll always remember." British military historian Edgar O'Ballance wrote of the GI, "His conduct in battle was of an exceedingly high standard . . . Despite the negative effects of home front disenchantment on morale, the spirit and cheerfulness of American soldiers remained amazingly high."

On the home front the public mood was best characterized as apathetic. Donald E. Johnson, a future head of the Veterans Administration, asked in 1953, "Can you blame our troops for low morale? They are dying and shedding their blood in a hopeless war, while they are forgotten at home."

When the war inconclusively ended in a truce still in effect, "There were no celebrations. News of the armistice signing flickered across the news lights of Times Square; people stopped to read the announcement, shrugged, and walked on; no cheering throngs assembled," wrote Joseph Goulden in "Korea: The Untold Story."

Ex-servicemen experienced a collective cold shoulder from the nation. Fehrenbach, a tank commander in Korea, wrote: "There was now very little of the heroes' welcome for returnees of the Korean War. The American people did not quite know how to regard a war they had not won."

Korean veterans kept a low profile and quickly submerged their identity into the larger veteran community—and for good reason. Charles Moskos, an internationally respected military sociologist, observed: "The eventual stalemate of the Korean conflict contributed to an inverted placement of blame for the war's unsatisfactory outcome. The American soldier himself was held up to question."

Popular culture reflected this distorted view. Between 1951 and 1965, over 50 films were produced using Korea as a backdrop. Combat in Korea was cinematically depicted as totally grim with the little heroic compensation. In complete contrast to WWII, Hollywood even directly criticized battlefield valor in Korea. This occurred despite the fact that 131 Medals of Honor were awarded for heroism during the war. Countless other acts of courage went unrecognized on the movie screen as well.

Literary characterizations were of resigned men stoically accepting their fate. To this day only a handful of works have attempted to delve into the innermost feelings of the Korean War veteran. Most books focus on the political aspects of the war at the expense of the men who fought it.

The much-touted TV program M*A*S*H also failed to portray GIs in a positive light. Dr. H. Richard Hornberger, author of the novel upon which the series was based and a veteran of the 8055th MASH unit, felt the CBS series "sometimes trampled on my memories . . . My characters weren't so liberal. The series seems to make the North Koreans the heroes and the Americans bad guys."

Another facet of the war yet to be resolved is the lingering question of POW/MIAs. Some 7,140 Americans were taken prisoner in Korea—2,701, or 38%, died in captivity. Many of the 5,639 U.S. deaths attributed to North Korean war crimes were committed in the prison camps. Moreover, 944 known U.S. POWs were not accounted for at the time of the armistice.

Yet an estimated 700 Americans were reportedly sighted late in 1953 in North China. And on Aug. 4, 1955—two years after the Communists said all POWs had been repatriated—11 U.S. airmen were released by Peking. More recently a Romanian engineer working in North Korea claims to have seen 50 Caucasians there in their 50s, which is now the average age of Korean vets.

A long-forgotten Congressional resolution (H. 140) states: "Resolved that it is the sense of the Congress that the President . . . should make the return of the 450 American prisoners of war still imprisoned by Communist forces the foremost objective of the foreign policy of the United States."

That resolution was passed on March 12, 1957, and 389 American POWs still remain unaccounted for.

The North Korean regime remains as recalcitrant as ever on this issue. Only last February, for the first time since the end of the Korean War, the identity of U.S. MIA remains was revealed by the Communists. The Stalinist state, however, refuses to release the remains.

The MIA question remains a poignant reminder of the war. In the National Cemetery of the Pacific, the Courts of the Missing record the names of 8,194 men listed as missing and/or unidentified from Korea. Three decades ago Sgt. Ned Lyle placed a set of those remains in the nation's capital. On Memorial Day, 1958, the Unknown Soldiers of WWII and Korea were laid to rest in what one writer called "the last time that Americans were to see or hear a public ceremony of national significance honoring the American warrior." (Of course that was before Vietnam.)

Perhaps now America can come to grips with the war's outcome. As historian Richard Rovere wrote: "We accomplished in Korea what we set out to do—repel armed aggression and demonstrate the efficacy of collective security. In terms of Truman's war aims, a victory of sorts was won in Korea . . . History will cite it as the turning point of the world struggle against Communism."

Mr. DOLE. Mr. President, this article points out that 80 percent of the casualties were Army and that one particular division, the 2d Division, "while inflicting more casualties—on the enemy—than any other, had the misfortune of losing 50 percent more men than the other divisions." I am proud to point out that one of our colleagues, WARREN RUDMAN, served as a company commander with the 38th Infantry, 2d Division. From one former Army captain to another I say, well done WARREN and please pass on our sincere gratitude to your fellow veterans.

KOREAN POW'S AND MIA'S

And another key point relative to the war deserves emphasis. While we have a tendency to dwell on the fates of our nearly 2,400 POW's and MIA's from Southeast Asia and they are important, there are over 8,000 servicemen who remain missing in action from Korea. There are also 389 known U.S. POW's who remain unaccounted for since the armistice was signed. We must continue all our efforts to receive an accounting for these brave Americans from the, thus far, unwilling North Korean Government. Let us go on record today encouraging President Reagan to apply whatever pressure is necessary to motivate the North Koreans to cooperate.

ONE STEP FORWARD IN THE PERSIAN GULF

Mr. DOLE. Mr. President, last week, at long last, Iran announced its intention to accept the U.N.-sponsored ceasefire in the gulf war.

Though we welcome Teheran's announcement, we are under no illusions. We will truly believe in Iran's commitment to a ceasefire when we see it—not before.

And we also know why Iran has swallowed this "poison," as the Ayatollah himself termed it. It has no choice. It had bumped up against a stone wall of American resolve in the gulf; and was getting its backside kicked by the Iraqis on the ground. Even the Ayatollah saw that Iran's preferred course of aggression, terror, and intimidation was taking it nowhere but down the tubes.

What lessons do we draw from what has happened? The most important is the President Reagan's policy in the gulf has worked.

We have contained the spread of the Ayatollah's poison; we have kept the gulf open to commercial shipping; we have kept the Soviets out. And, as I have already indicated, we have hastened the day when the Ayatollah had to accept an end to his self-destructive war against Iraq.

Why did our policy work? That, too, is clear. We defined American interests precisely. We demonstrated our intention to defend those interests, when necessary by force.

We worked closely with our allies and friends—but we took decisive unilateral action when American national interest demanded it.

We acted as a great power—a responsible great power. We acted like the leader of the free world. We did the right thing; and we did it right.

And—in doing it right—we rejected the counsel of those who relentlessly clamored for the invocation of the War Powers Resolution; a convenient legal cover to pull the plug on this critical American commitment. We stuck by our guns, and again on a bipartisan basis, even in the face of the Ayatollah's guns.

And so we succeeded.

Our success does not mean the solution to all of the problems of the gulf and the Middle East. As former U.N. Ambassador Jeane Kirkpatrick points out in an important column in the July 25 Washington Post, Iran is not going to go away—as a threat to regional peace; as an enemy of America and our interests. Mr. President, I ask unanimous consent that Ambassador Kirkpatrick's column be made part of the RECORD.

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

(See exhibit 1.)

Mr. DOLE. But the success of our policy does mean enhanced American credibility, with both friend and foe alike; greater American influence throughout the gulf region; and, most important, the opportunity to achieve progress on other regional problems.

Putting it simply: we should strike while the iron of American influence and effectiveness is hot.

Our first priority must be to reduce and eventually eliminate the flood of new, destabilizing offensive weaponry into the region. We ought to concentrate a great deal of that effort on two of the countries who are, today, most active in injecting such destabilizing weaponry into the region—the People's Republic of China and the U.S.S.R.

I will have an amendment on another bill on the China matter.

Secretary Shultz has just completed an important trip to China, in which he laid out in no uncertain terms our deep concern about the People's Republic of China's dangerous arms export activities in the Middle East. We have to make certain that Beijing understands that Secretary Shultz was not just blowing smoke. We must be prepared to follow up with real action if China pays no heed to the Secretary's warning. One point of leverage is arms and technology transfers to the People's Republic of China.

The same message must also be delivered in Moscow. The rhetoric of regional restraint flows easily from Gorbachev's lips; the reality seems to come a little harder to the leaders of the Kremlin. Moscow must understand that its irresponsible posture in the Middle East inevitably impacts concretely on broader United States-Soviet relations. In that regard Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article from the July 25 Washington Times, indicating that Moscow has offered to sell MIG-29 jets to Kuwait.

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

SOVIETS MOVE TO SELL TOP JETS TO KUWAITIS

(By Paul Bedard)

The Soviet Union, trying to capitalize on congressional opposition to a White House plan to sell jets and missiles to Kuwait, has offered the strategically located Persian Gulf county its top-of-the-line jet fighter, according to Reagan administration sources.

The Kremlin's offer to Kuwait of the MiG-29 Fulcrum, similar in size to the Air Force F-16 Falcon but much more potent, comes as the administration scrambles to get its $1.9 billion arms sale back on track.

"We intend to press ahead and press hard," said a State Department official involved in the effort to sell 40 F/A-18 Hornet fighters and 300 sophisticated Maverick air-to-ground missiles to Kuwait for delivery in 1991.

If the huge deal goes through, it would be the first sale of the highly armed Hornet—flown by the U.S. Navy and sold to Canada, Australia and Spain—to a Persian Gulf country.

The arms sale has stalled on Capitol Hill, where lawmakers, under heavy pressure from the Israeli lobby, are opposing the transfer of the Maverick missiles. Kuwait has told the administration it will not take the Hornets without the Mavericks, according to knowledgeable congressional officals.

That opposition has prompted the Soviets to slip in an offer to sell an unknown number of MiG-29s with air-to-ground missiles and other weaponry, according to administration and arms sales sources.

"The Soviets would like to get their feet deeper in the Middle East. They would like to get closer to Arab oil," said an arms sales expert involved in the Kuwait deal. "If we're going to insist on giving openings, they are going to try them."

The Soviets have sold the MiG-29, considered by many to be the world's most lethal fighter, to Iraq, Yugoslavia and India, according to the U.S. Naval Institute Military Data-basc. Jordan turned down a recent offer, and Syria is considering buying the jet, State Department officials said Friday.

Also planned is a display at the Farmborough Air Show in Britain later this summer—the first time a Soviet fighter has been shown in public.

The State Department officials said it is unlikely that Kuwait would buy the jets from the Soviets in light of the U.S. Navy's close ties to the country and the administration's policy of protecting Kuwaiti oil tankers from attacks by Iraq and Iran, still at war despite a widely publicized cease-fire.

Thomas McNaugher, a national security analyst at the Brookings Institution, said for the Kuwaitis to turn to the Soviets for super-sophisticated jets "is to risk a lot of trouble with this country."

He added that if the administration fails to win approval of the sale by the Aug. 7 deadline set up as part of the deal, Britain and France will try to fill the void.

"Denial of sales can lead to major deals with Europe and Britain," Mr. Naugher said.

Kuwait's Prime Minister Saad al-Sabah, in a recent appeal to Congress, said his country needs the Maverick for self-defense. The country has come under repeated Iranian missile attack for its support of Iraq.

But pro-Israel lawmakers fear the tiny sheikdom will sell the Maverick to neighboring Saudi Arabia. Congress has blocked the sale of Mavericks to the Saudis, concerned that they would threaten Israel with the long-range missile, the congressional sources said.

Earlier this month, 114 House members introduced a resolution opposing the Kuwait arms sale while the Senate approved a measure banning the sale of Maverick D and G models to the sheikdom. A majority of the Mavericks Kuwait has asked for are these latest models.

State Department officials expressed "cautious optimism" that they will succeed in turning back congressional opposition.

State and Defense Department officials are planning to storm Capitol Hill this and next week in a dash to keep the deal alive. Defense Secretary Frank Carlucci and others are expected to make personal appeals to the opposing congressional ranks, State and Defense officials said.

Defense industry officials, citing the recent purchases of British and French military equipment by Saudi Arabia and other Middle Eastern countries, claim the Kuwaiti arms package is the United States' last chance to retain strong arms sales ties to the Middle East.

Mr. DOLE. Mr. President, ending the Iran-Iraq War, and then moving to stop the flow of offensive weapons into the region—from China, the Soviet Union or wherever—these must be the first tasks. But there are other jobs, too.

We must continue to search for grounds for a stable Israel-Arab peace, starting with direct negotiations between Israel and its Arab neighbors. As a matter of justice and pragmatism, we must also continue to urge the Israeli Government to redouble its efforts to find a peaceful resolution to the problem of the Palestinians—one that does not jeopardize Israel's security, but offers political and economic hope to the Palestinian people.

And, while we are about these tasks internationally, we must make sure that we do nothing here at home—in our own policy deliberations and decisions—that undercuts our standing and credibility in the region. It is time, in particular, for the Congress to start doing some straight, hard thinking about one key element of American regional strategy—our sale of defensive weaponry to our allies and friends in the region.

It is time for Congress to make sure that we are making our arms sale decisions solely on the basis of what's most likely, in the long run, to advance America's interests:

Keeping the Soviets out; keeping hostile forces at bay; preserving and building our own credibility and effectiveness as a regional power; insuring that our allies and friends, especially Israel, are safe and at peace; and, not incidentally, maintaining the strength and vibrancy of our own export economy.

These are the sole criteria that ought to determine our arms sales policies and actions. But you have to wonder whether those are the only criteria which have guided our recent actions.

I ask unanimous consent to print in the RECORD at this point several articles concerning the recent Saudi decision to undertake a multibillion dollar arms buy from Great Britain; and the action by the Senate, on the foreign operations appropriations bill, to disapprove the administration's proposed sale of defensive weapons to Kuwait. I really think we are shooting ourselves in both feet.

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

[From Newsweek, July 25, 1988]

FORCED INTO BRITISH ARMS—LOSING A SAUDI BONANZA

The prime minister of Kuwait was in Washington last week fighting the most powerful of lobbies. Only three days before his arrival, pressure from the American-Israel Public Affairs Committee (AIPAC) had forced the Senate to eliminate a battery of advanced Maverick air-to-surface missiles from a proposed $1.9 billion sale of F-18 fighters and support equipment to Kuwait. Unless Congress reversed its decision, hinted Sheik Saad al Abdullah al Salim al Sabah, the entire package would be imperiled. Ordinarily the argument would carry little weight with AIPAC's supporters in Congress, but now they had reason for pause. Saudi Arabia had just announced a 10-year arms agreement—worth up to $30 billion—with Britain. Riyadh would have preferred to do business with its longtime American suppliers, said a senior Saudi source, but so vast an arms deal would have provoked intense hostility in Congress. "We're not masochists, said the source. "No one's willing to pay billions of dollars to be insulted."

The deal involved far more than money. A primary goal of the current American presence in the Persian Gulf has been to reassure conservative Arab states that the U.S. commitment to their safety is real. But "you can't have it two ways," says Judith Kipper, a Middle East specialist at the Brookings Institution. "You can't ask them for strategic cooperation, for moderation in their foreign policy, and then tell them they can't buy what they think they need for their security." The loss of American arms sales will "obviously" weaken U.S. influence, says an Arab diplomat in Washington. "When we make a decision affecting war and peace, the higher the percentage of your equipment we have, the more we have to take your views into account."

By forcing the Saudis to look to London, AIPAC may have harmed Israel, too. Chief among the items to be purchased form British Aerospace are 48 Tornado fighters, regarded as perhaps the finest ground-attack aircraft in the world. They can fly low, evade radar and deliver a heavy payload of bombs, including munitions that break up runways—a likely Arab tactic in any future war with Israel. Saudi Arabia will also enjoy greater freedom of deployment. Were the Saudis now buying F-15s, for example, the Pentagon would almost surely require that they remain near the rim of the Persian Gulf, well away from Israel. "Britain wouldn't place that kind of restriction," says a British Aerospace official. A midlevel Israeli diplomat in London worries that AIPAC may be reacting instinctively to any potential U.S. sale to the Arabs. "I wonder," he says, "if anyone in Israel is making strategic analyses of these sales to the Arabs and deciding which to kill in Congress, or if they're just reacting to what AIPAC is doing in [Washington]. I hope someone is making the decision. But it may be a case of the tail wagging the dog."

BITTER FIGHTS

What surprises some experts is that the Saudis waited so long to sever the U.S. connection. Saudi arms sales faced bitter fights in Congress as early as 1978; denied a major purchase of F-15s promised by the administration in 1984, the Saudis turned to Britain for 64 Tornadoes two years later. Even then, says Nick Cook, an analyst for Jane's Defence Weekly in London, "the Saudis were still prepared to look to the U.S." Then in 1987, the Saudis were rebuffed on the purchase of 1,600 advanced Maverick missiles; that apparently turned the tide. For a country that puts a premium on discretion, the congressional fights were too embarrassing. Says Philip Robins, a Mideast expert with the Royal Institute of International Affairs, "It an insult to a state to suggest it will give its weapons to the PLO, when the U.S. gives [portable Stinger missiles] to the [Afghan rebels] who resell them to Iran."

White House officials were working hard last week to revive the arms deal with Kuwait. The alternative, they feared, would be further losses throughout the Arab world. "You bet we're going to fight for it,"

Ronald Reagan told reporters. Even AIPAC was having some internal misgivings about the impact of its lobbying. Its real good, said one informed source, had been to force the administration to downgrade the Kuwaiti request and supply them with a more primitive version of the Maverick. But now that the entire Kuwaiti package is in danger, AIPAC members are having second thoughts. The best thing that AIPAC could do now, suggests the Israeli diplomat in London, would be to lobby Congress to support responsible arms deals. Or it could simply reconsider whether blanket opposition serves the cause of Israeli security—to say nothing of the diplomatic interests of the United States.

DEALING OURSELVES OUT?

(By James Phillips)

Several weeks ago Great Britain announced a huge arms sale to Saudi Arabia that could total $30 billion over 15 years. Through this commitment, called by some experts the arms deal of the century, Britain in effect has supplanted the United States as Saudi Arabia's main source of arms. Under the terms of the agreement, the Britain will provide the Saudis with 48 Tornado fighter-bombers, 60 Hawk jet trainers, 80 helicopters, six minesweepers, millions of dollars worth of electronic gear, and two air bases.

The Saudis decided to seek British arms because past efforts to obtain American weapons have been denied, delayed, or reduced by Congress. According to a Saudi official, "We would prefer to buy weapons from the United States. American technology is generally superior. But we are not going to pay billions of dollars to be insulted. We are not masochists."

By this he meant that Riyadh was tired of the bruising political battles it was forced to fight in Congress whenever it tried to buy U.S. weapons. Even when the Saudis won congressional approval to purchase American arms, such as F-15 jet fighters in 1978 and the Airborne Warning and Control System (AWACS) aircraft in 1981, they have endured humiliating criticism and were forced to accept congressionally imposed restrictions on the deployment and operations of the weapons. They will suffer none of this with the British.

The new arms deal reveals a stark reality: The United States, not Saudi Arabia, is really the masochist. In losing the largest arms sale in the Middle Eastern—perhaps world—history, the United States has lost both economically and militarily. It has been deprived of a major boost to its balance of trade, lost thousands of manufacturing jobs, forfeited its ability to use Saudi support systems and possibly even Saudi warplanes in a crisis, and jeopardized its political influence in Saudi Arabia and its leverage over how Saudi military forces are deployed. The loosening of U.S.-Saudi military ties also could unravel the broader Saudi-American political relationship and lead other Arab states to question defense cooperation with Washington.

Israel, too, is a big loser in the British-Saudi arms deal. Not having to deal with the U.S. Congress, London will not attach the same conditions to the sale of its weapons that Washington does. For example: The Saudis are prohibited from basing U.S.-supplied F-15s at Tabuk, the Saudi air base closest to Israel. There almost surely will be no similar ban on the British Tornados, which pose more of a threat to Israel than do the F-15s, which are primarily designed for air warfare, not ground attack. Former Israeli Defense Minister Moshe Arens calls the Tornado "the best low-level attack plane in the world." Ezer Weizman, a former commanding officer of the Israeli Air Force, already has suggested that Israel may have erred in opposing the sale of more F-15s to Saudi Arabia.

Congress can now demonstrate whether the United States really is the masochist. Congress is mulling over another arms sale to another important Persian Gulf friend—Kuwait.

The Reagan administration formally notified Congress on July 7 of its intention to sell Kuwait $1.9 billion worth of weapons, including 40 F-18 fighter-bombers, 300 Maverick air-to-ground missiles, 40 Harpoon anti-ship missiles, 400 laser-guided bombs, 200 radar-guided Sparrow air-to-air missiles, 120 heat-seeking Sidewinder air-to-air missiles, and 200 cluster munitions. Congressional opposition centers on the proposed sale of the Maverick, similar to those denied to Saudi Arabia in October 1987.

Congress has 30 days starting July 7 to consider the pros and cons of the Kuwaiti arms proposal. To block it, both houses must pass a resolution of disapproval with enough votes to override a presidential veto.

When considering the proposal, Congress should remember that Kuwait is a beleaguered ministate that has stood firm against Iranian intimidation despite Iranian-supported terrorist bombings, attacks on Kuwaiti shipping, and Iranian air strikes, artillery bombardments, and missile attacks on Kuwaiti territory.

Kuwait will be preoccupied by the Iranian threat for the indefinite future, and poses little threat to Israel. Even Israeli Defense Minister Yitzhak Rabin was unperturbed by the proposed arms deal when he met with U.S. congressmen during his recent visit.

Yet Congress often reflexively opposes arms sales to Arab states because of its simplistic view of Israeli security needs.

If Congress stays on this path, Israel could find itself surrounded by Arab states armed with Soviet and West European weapons, unconstrained by American strings and Washington's ability to control the flow of spare parts and logistical support.

The proposed Kuwaiti arms deal will buttress a pro-Western Arab state against Iranian aggression and reduce the long-term burden of the U.S. naval presence in the Persian Gulf. It also will provide a $1.9 billion boost to the U.S. balance of trade, lower the unit costs of future F-18 purchases by the U.S. armed forces, and generate an estimated 10,000 man-years of work for American workers.

For Congress to turn its back on Kuwait at this critical juncture would sour the ripening Kuwaiti-American relationship that could facilitate the Arab-Israeli peace process. More ominously, it will seem to confirm Iran's publicly stated belief that the United States is growing "short of breath" in the Persian Gulf.

HERITAGE FOUNDATION,
Washington, DC, July 14, 1988.

THE SAUDI AND KUWAITI ARMS DEALS: WHO IS THE MASOCHIST?

Last week Britain announced a huge arms sale to Saudi Arabia that may total up to $30 billion over fifteen years. Through this commitment, called by experts the arms deal of the century, Britain in effect has supplanted the United States as Saudi Arabia's main source of arms. Under the terms of the agreement, the British will provide the Saudis with 48 *Tornado* fighter-bombers, 60 *Hawk* jet trainers, 80 helicopters, 6 minesweepers, millions of dollars of electronic gear, and two air bases.

The Saudis decided to seek British arms because past efforts to obtain American weapons have been denied, delayed, or reduced by the U.S. Congress. According to a Saudi official, "We would prefer to buy weapons from the United States. American technology is generally superior. But we are not going to pay billions of dollars to be insulted. We are not masochists." By this he meant that Riyadh was tired of the bruising political battles that Saudi Arabia was forced to fight against Israel's supporters in Congress to obtain the U.S. weapons. Even when the Saudis have won congressional approval for the purchase of American arms, such as F-15 jet fighters in 1978 and the Airborne Warning and Control System (AWACS) aircraft in 1981, they have endured humiliating criticism and accepted congressionally imposed restrictions on the deployment and operation of U.S. weaponry.

LOSING LEVERAGE

The new Saudi-British deal reveals the U.S., not Saudi Arabia, as the masochist. In losing the largest arms sale in Middle Eastern—perhaps world—history, the U.S. has lost important benefits. Economically, the U.S. has been deprived of a major boost to its balance of trade and thousands of jobs. Militarily, the U.S. has lost an opportunity to increase the ability of American military forces to use Saudi logistical and maintenance support systems, or possibly even Saudi warplanes, in a crisis. Most important, the U.S. stands to lose political influence in Saudi Arabia and leverage over how Saudi military forces are deployed. The loosening of Saudi-American military ties may unravel the broader Saudi-American political relationship and lead other Arab states to question defense cooperation with Washington.

Israel too is a big loser in the British-Saudi arms deal. Not having to deal with the U.S. Congress, London will not attach the same conditions to the sale of its weapons that Washington does. For example: Saudi Arabia's U.S.-supplied F-15s are prohibited from being based at Tabuk, the Saudi air base located closest to Israel. There almost surely will be no similar ban on the British *Tornados*. And the *Tornado* fighter-bombers pose more of a threat to Israel than do the F-15s, which are primarily designed for an air superiority, not a ground attack, role. Former Israeli Minister of Defense Moshe Arens has called the *Tornado* "the best low level attack plane in the world." Ezer Weizman, a former commanding officer of the Israeli Air Force, already has suggested that Israel may have erred in opposing the sale of more U.S. F-15s to Saudi Arabia.

STANDING UP TO IRAN

The U.S. Congress now can clarify whether the U.S. really is the masochist. Congress is mulling over another arms sale to another important Persian Gulf state—Kuwait. The Reagan Administration formally notified Congress on July 7 of its intention to sell Kuwait $1.9 billion worth of U.S. weapons including 40 F-18 fighter-bombers, 300 *Maverick* air-to-ground missiles, 40 *Harpoon* anti-ship missiles, 400 laser-guided bombs, 200 radar-guided *Sparrow* air-to-air missiles, 120 heat-seeking *Sidewinder* air-to-air missiles, and 200 cluster munitions. Congressional opposition centers on the proposed sale of the *Maverick* missiles, similar to

those denied to Saudi Arabia in October 1987.

Congress has 30 days starting from July 7 to consider the pros and cons of the Kuwaiti arms proposal. To block it, both houses must pass a resolution of disapproval with enough votes to override a presidential veto. When considering the proposal, Congress should remember that Kuwait is a beleaguered ministate that has stood firm against Iranian intimidation despite Iranian-supported terrorist bombings, Iranian attacks on Kuwaiti shipping, and Iranian air strikes, artillery bombardments, and missile attacks on Kuwaiti territory. For Congress to turn its back on Kuwait at this critical juncture would sour the ripening Kuwaiti-American relationship that could facilitate the Arab-Israeli peace process. Moreover, if Congress truly wants to lower the profile of U.S. naval forces in the Persian Gulf, it should help Kuwait obtain the means of defending itself without relying so heavily on U.S. forces.

ON AUTOMATIC PILOT

Kuwait, which will be preoccupied by the Iranian threat for the indefinite future, poses little threat to Israel. Israel Defense Minister Yitzhak Rabin was unperturbed by the proposed arms deal when he met with U.S. congressmen during his recent visit. Senior Israeli military officers have gone further, indicating that Israel would prefer the sale of U.S. warplanes to Gulf Arab states over the alternative: "If there is a need to sell weapons, we want weapons going there that have the most restraints and that means U.S. weapons."[1] Yet Congress often reflexively opposes arms sales to Arab states because of its simplistic view of Israeli security needs. Notes a Senate staffer about congressional opposition to the Kuwaiti arms deal: "Everyone is on automatic pilot." If Congress stays on this flight path then Israel could find itself surrounded by Arab states armed with Soviet and West European weapons, unconstrained by American strings and Washington's ability to control the flow of spare parts and logistical support.

The proposed Kuwaiti arms deal will buttress a pro-Western Arab state against Iranian aggression and help reduce the long-term burden of the U.S. naval presence in the Persian Gulf. It will provide a $1.9 billion boost to the U.S. balance of trade, lower the unit costs of future F-18 purchases by the U.S. armed forces, and generate an estimated 10,000 man-years of work for American workers. Politically, it could strengthen the foundation of U.S.-Kuwaiti relations. For Congress to veto the Administration's commitment to help Kuwait defend itself will erode Kuwait's perception of U.S. reliability. More ominously, it will seem to confirm Iran's publicly stated belief that the U.S. is growing "short of breath" in the Persian Gulf.

JAMES PHILLIPS,
Senior Policy Analyst.

[1]Middle East Policy Survey, July 8, 1988, p. 4.

[From the Washington Times, July 21, 1988]

SAUDIS HINT AT BUYING ARMS FROM MOSCOW

KUWAIT (Reuters).—King Fahd of Saudi Arabia reiterated his country's policy of diversifying arms sources in an interview published yesterday and did not rule out shopping in Moscow's weapons market.

Asked if the kingdom intended to buy arms from the East bloc, King Fahd told the Kuwaiti weekly al-Majalis, "We buy arms from friendly countries according to the needs of our defensive forces."

"We think diversification of arms sources serves our armed forces," he said.

Saudi Arabia recently concluded a multibillion dollar deal with Britain for Tornado jet fighters, helicopters, patrol boats and minehunters, apparently because of reluctance by the U.S. Congress to approve the sale of similar weapons.

It had earlier bought Chinese medium-range ground-to-ground missiles. Israel bitterly criticized both deals, saying they posed a threat to its security.

King Fahd said, "The goal of Zionism is that Saudi Arabia be a state unable to defend the Islamic holy places," a reference to Mecca and Medina.

"World Zionism and its boss Israel are trying to create disturbances and disarray in the region not just from today but from its seizure of Palestine," King Fahd said.

Some Iranians have arrived in Saudi Arabia for the Haj, or pilgrimage to the shrine at Mecca, the Interior Minister said in an interview published yesterday.

"A very limited number of Iranian pilgrims have arrived in the Kingdom and they are performing the Haj ceremonies in peace and security like their brother pilgrims from every corner of the world," Prince Nayef told the English-language Arab News.

He did not say how many Iranians had arrived or if they were Iranians who fled their country after the 1979 Islamic revolution.

Tehran said it would boycott this year's Haj after rejecting a new quota system by Riyadh which cut the number of potential Iranian pilgrims from 150,000 to 45,000.

The countries have been trading insults since 400 pilgrims, mainly Iranians, were killed in Mecca last July when Saudi security forces tried to stop Iranian-led demonstrations against Israel and the United States.

"We regard the ban as a political decision taken by the Tehran rulers without considering the feelings and interests of the Iranian people," said Prince Nayef, whose country severed diplomatic ties with Tehran last April and accused it of financing terrorism and sabotage.

[From the Washington Post, July 15, 1988]

SHULTZ, IN CHINA, URGES TALKS ON CURBING SPREAD OF MISSILES

(By Don Oberdorfer)

BEIJING, July 14.—Secretary of State George P. Shultz, reflecting U.S. concern about recent and prospective Chinese missile sales to the Middle East, asked China today to begin full-scale consultations to head off the dangerous spread of ballistic missiles.

Shultz's request, in a meeting with Chinese Foreign Minister Qian Qichen, was a highlight of an unusually long and frank discussion of Sino-American relations and world trouble spots on the first day of a two-day visit by Shultz.

A senior aide to Shultz said the Chinese minister agreed to study Shultz's request for in-depth discussions of ballistic missile proliferation similar to discussions that began in April 1987 among advanced western nations and are to begin in a few weeks between U.S. and Soviet experts.

In a public statement at a banquet in his honor tonight at the Great Hall of the People, Shultz was polite but pointed in his references to the missile proliferation issue.

He noted that "highly destructive armaments" are becoming available to Persian Gulf countries and others who are "fighting age-old battles on religious, ethnic, or political grounds."

Referring to the recent U.S.-Soviet treaty eliminating intermediate-range missiles, Shultz said, "It is ironic that just as the major powers are making progress in getting their arms competition under some control, the developing world is increasingly burdened by this flow of advanced weaponry." He added, "The international community as a whole must find ways to stanch this arms traffic."

[In Washington, 111 House members sent a cable to Shultz, urging him to warn China that "future United States cooperation in technological and military matters will be jeopardized" if it does not halt its "indiscriminate" arms sales in the Middle East, Reuter reported.]

In earlier private talks lasting more than three hours, Qian told Shultz that China has made only one medium-range ballistic missile sale— to Saudi Arabia. There was no report that Qian made any commitment about future sales of the missile or of a shorter-range ballistic missile that U.S. officials said is being developed and tested here for possible sale to several Middle East nations.

Both in public statements and in their diplomatic dialogue, Shultz and Qian emphasized the gains in U.S.-Chinese relations over the nearly 10 years of full diplomatic ties and held out the promise of even closer relations to come.

Shultz, in his banquet toast, said the United States and China have built "a truly normal and productive relationship" that is a legacy to the next generation of leaders. In the private meeting, as reported by the official new China News Agency and by U.S. officials, Shultz said U.S. policy toward China has strong bipartisan support and therefore should not be affected by the results of the coming presidential election.

Shultz also talked of the "parallel efforts of our two countries to reduce tensions with the Soviet Union" and added that a normalization of relations between Beijing and Moscow would be "a prospect that can be welcomed."

During a discussion of the emerging possibility of a negotiated settlement of the Vietnamese occupation and war in Cambodia, the Chinese foreign minister gave new hints that the Chinese-backed Khmer Rouge guerrillas headed by Pol Pot will be neutralized as a major problem.

Qian emphasized strongly to Shultz that China does not support the return of the Khmer Rouge as the dominant power in a future Cambodia, according to a U.S. account. An informed source said Qian went on to say there had been indications from some of the senior Khmer Rouge leaders that they plan to "retire." No timetable or names were given.

The Chinese leader was quoted as telling Shultz that China is willing to contemplate a possible future role in an international program of supervising a peace arrangement in Cambodia, but that it is too early to say what form this might take.

Shultz also expressed concern about a recent increase in sophisticated weaponry supplied to North Korea by the Soviet Union, including SA5 antiaircraft missiles and MiG-29 fighters.

Mr. DOLE. In light of these articles and the issues they raise, I believe every Member of the Senate has an

obligation to consider carefully these questions:

Is it really best for American security interests, or—for that matter—for Israel's security: when Saudi Arabia buys from the United Kingdom jet aircraft that can directly attack Israel and which operate under no British controls whatsoever; because the United States Congress could not permit the sale of United States aircraft which would have been maintained under significant American controls?

Is it really best for American securtiy interests, or—for that matter—for Israel's security: when Kuwait turns to those same British aircraft, with the same capacity to strike Israel; because the United States Congress either flatout rejects the sale of United States F-18's—which can't reach Israel—or strips them of the defensive armament that makes them useful to the Kuwaitis in the first place?

Is it really best for American security interests, or—for that matter—for Israel's security: when Kuwait talks to the Soviets about buying Mig-29 fighters from Moscow?

Is it really best for American economic interests: when the Saudis strike a deal with Great Britain that will likely hand the British on a silver platter approximately $30 billion—that's billion, with a "B"—$30 billion in exports over the next 15 years? Especially when the equipment the British will sell will be at least as threatening to Israel as any we might have sold?

Does any of this make any sense—for America or for Israel?

Now, I have no interest in making America the arms merchant to the world; and certainly not to the Middle East.

But I do have an interest in maintaining America as a credible ally and friend to the responsible nations of that vital region.

I do have an interest in preserving our influence and effectiveness in that vital region.

I do have an interest in maximizing American control over the weaponry in the hands of the Arab nations.

I do have an interest in keeping the Soviets out, either as a strategic player or an irresponsible arms peddler.

I do have an interest in keeping the Iranians in check, and giving our friends in the region the wherewithal to defend themselves against the very real threat that Iran represents.

And I do have an interest—a strong interest—in preventing the flow of billions of dollars of exports to other suppliers, whose weapons are as good or sometimes even better than ours; and whose weapons, in Arab hands, will be a much greater threat to Israel than ours would.

In sum, I do have an interest in keeping us from shooting ourselves in the foot; and, in the process, increasing the real threat and danger to Israel.

Mr. President, we should never just rubberstamp arms sale proposals from the administration—those I mentioned, or any future one. That is not the proper role of Congress; that is not what I am suggesting.

But we need to exercise our legitimate role responsibly; and with an eye toward our long-term interests—not a short-term "feel good."

Mr. President, it is time to get back on the right course. With the success of our Persian Gulf policy; in the final year of President Reagan's administration, when no one can charge that he has any political ax to grind; and with the lessons that I hope we have learned from our recent arms sale experiences with Saudi Arabia and Kuwait still fresh in our minds—the time is ripe to seek a new, workable consensus on an arms sale policy that makes sense for America—and for Israel.

The time is ripe for a series of quiet, frank discussions—involving the administration and the leadership of the Congress; the United States and Israel; and interested private groups—and I underscore that, interested private groups—and individuals, which have important influence on these decisions.

Discussions informed by the reality of the proliferating global arms bazaar; the competition between the world's superpowers; the complex situation in the Middle East; and the needs of the American economy.

Mr. President, President Reagan's policy in the Persian Gulf has worked. Its very success gives us the chance to move forward on a number of fronts—both regionally and here at home. I hope we will all have the wisdom and common sense to stop, think and then act—taking advantage of this unique opportunity to advance American interests both here and in the Middle East.

EXHIBIT 1

[From the Washington, Post, July 25, 1988]

(By Jeane Kirkpatrick)

IT SEEMS IRAN DOES HAVE ITS MODERATES

MARSEILLES.—Those famous Iranian "moderates" burst into the news with the announcement that Iran had finally accepted United Nations Security Council Resolution 598 as a basis for ending its long, terrible war with Iraq.

"The Pragmatists Take Charge," announced the Paris daily Le Monde. "The Work of the Moderates," the French Socialist newspaper Liberation emphasized in a large headline.

All over Europe, Iran's move toward peace was described as a consequence of the efforts of that country's parliamentary speaker and armed forces commander, Hashemi Rafsanjani, and his collaborators to extricate the nation from what their government had for eight long years termed "a holy war."

The "moderates," it is said in the European media, understood that after 3,000 days and 1 million deaths, the war was no longer popular with Iranians. They knew "the Bazar" had begun to worry that the war was radicalizing the regime. The conservative clergy, it is said, feared the war could only be sustained by further appeals and concessions to "the Disinherited."

So the "moderates"—whose existence was pooh-poohed by enlightened American opinion after revelation of the arms sales—began to lower their voices and look for a way out, especially after Iraq started winning on the battlefield.

This, we are now told, is why Rafsanjani publicly advised his fellow Iranians against seeking vengeance after the United States shot down a civilian Iranian Airbus, and why Iranian Foreign Minister Ali Akbar Velayati made his speech before the U.N. Security Council (a speech that was by Iranian standards extraordinarily "moderate"). It was why Iran took the case of the Airbus to the U.N. at all rather than merely striking back with violence.

Although only a few months ago the Ayatollah Khomeini announced he would pray for the deaths of associates who wanted out of the war, now "the moderates" had persuaded the imam to accept the U.N. resolution and its call for a cease-fire and negotiations.

The fact that the selfsame "moderates" who so interested Robert McFarlane and John Poindexter should now move Iran toward peace does not prove it was wise for the Reagan administration to approve arms sales to those Iranians. But it proves something.

It proves that in fact there existed in the Iranian government a faction somewhat less fanatical, somewhat less obdurate, somewhat less ready to destroy the country in order to destroy the enemy.

This does not mean they were "good guys" or that they opposed the ayatollah or longed for democracy or shared any values with the democratic rule except perhaps a distaste for martyrdom. It does not mean they were "moderates" in any Western context. But apparently they are "moderates" in an Iranian context—as compared with the supreme fanatic for whom they work.

Americans find it extremely difficult to think clearly about the kind of government found in Iran. There are no good guys; there is no democratic center. There are only more or less hostile, more or less realistic theocrats. The less hostile, more realistic types are probably less dangerous to the world than the most fanatical. That makes their influence a good, but it is not the kind of moralistic good that Americans seek and expect in foreign affairs.

We are no better equipped to think clearly about the Iran-Iraq war in general. It is a conflict between two ruthless dictators seeking goals we neither understand nor approve. "In an ideal world they would both lose," a former U.S. official said.

There were and are good reasons for the United States to take an interest in this war, but they are geopolitical, not moral. A victorious Iran would have threatened the stability of other gulf states and encouraged the spread of Khomeini-type "fundamentalism."

And a victorious Iraq? Washington has not thought much about the probable consequences for the peace of the region or the well-being of Israel, Jordan or other "moderate" Arab states.

Iraqi President Saddam Hussein reminded the world he had other interests than the war with Iran when, last week, he blasted Syria for its attacks on Yasser Arafat's PLO, prompting Le Monde to write: "The fears being expressed in Jerusalem are entirely understandable. On a war footing and heavily armed, Iraq may be tempted, if peace comes to its western front, to take the lead in a new anti-Israeli crusade."

The end of the war—if it comes—will assuredly alter the balance of power in the region. But it will not necessarily bring peace. The only predictable effect of an end to hostilities would presumably be the withdrawal of U.S., British, French and Soviet naval forces from the Persian Gulf. This, too, would have significant ramifications.

It is a delicate, complicated geopolitical situation with extremely large potential consequences. The "moderates" in Washington should bear in mind the full complexity of the politics of the Gulf before making any further moves in these troubled waters.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. REID). Morning business is now closed.

COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1989

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4782, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4782) making appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole Amendment No. 2689, to express the sense of the Senate that the People's Republic of China should immediately halt the sale of ballistic missiles and other offensive weapons to all nations of the Middle East and Persian Gulf, should discontinue discussions regarding potential sales of M9 short-range ballistic missiles and other armaments under development, and should endorse the United Nations-sponsored international arms embargo against Iran and Iraq.

The PRESIDING OFFICER. Who yields time?

Hearing nothing, the time will be equally charged to both sides.

Mr. DOLE. Mr. President, has morning business ended?

The PRESIDING OFFICER. The time is now running on the pending amendment.

Mr. DOLE. As I understand, I have 10 minutes.

Mr. President, last evening, I sent to the desk an amendment and offered this amendment on behalf of myself, the distinguished Senator from Arizona, Senator MCCAIN; the Senator from Alaska, Senator MURKOWSKI; the Senator from Indiana, Senator QUAYLE, and maybe others who have an interest in this amendment.

Mr. President, there is new hope that a cease-fire can be achieved, to end the Iran-Iraq war. That would be a major step forward, and would reduce the immediate danger of wider war in the region.

But the entire Middle East-Persian Gulf area remains a tinderbox of conflicting politics, religion, and social systems; exacerbated by Soviet efforts to expand its presence and influence. Until those fundamental problems are addressed and resolved, war, terrorism, and tension will continue to characterize the region—and continue to endanger basic American interests.

Tragically, many nations outside the region are aggressively peddling massive amounts of new, destabilizing, offensive weaponry into the region—pouring oil on the flames of conflict and distrust that already exist. And there is more than enough to go around now.

One of the worst offenders is the People's Republic of China. As we all know, China has sold Silkworm missiles to both Iran and Iraq, even as the United Nations was calling on all countries to cease the sale of any arms to those two belligerents. Iranian Silkworms have been fired against America's allies and friends in the region, and this morning still endanger American vessels and personnel in the gulf.

In addition, the Chinese have also sold CSS-2 missiles to Saudi Arabia. And, according to intelligence and other reports, the Chinese are also actively discussing the sale of M-9 short-range missiles to Iran, Libya, Syria, and Pakistan. It does not take much imagination to appreciate what it would mean for Khomeini or Qadhafi to have these new and dangerous weapons in their arsenals.

Mr. President, these irresponsible actions by China not only breed regional instability; they directly threaten American interests and—even more important—American personnel, military and civilian, who reside or travel in the Middle East and the Persian Gulf.

Chinese weapons, in very irrational and dangerous hands, are pointed at our heads, both figuratively and literally. If those weapons go off, as they almost inevitably will some day if China continues to make these irresponsible sales, Beijing will bear an important part of the responsibility for the result.

It is time to tell the People's Republic of China in no uncertain terms that a continuation of its dangerous arms sale policies will inevitably do significant damage to American-Chinese bilateral relations. It is time to tell the People's Republic of China that—if it continues to arm the likes of Khomeini and Qadhafi—we will reconsider our willingness to sell arms and technology to the People's Republic of China.

Secretary Shultz has recently been in Beijing, and delivered to the Chinese leadership that essential message. We can reinforce the message—can send an even stronger and more effective signal to Beijing—by passing this amendment, overwhelming, today.

Mr. QUAYLE. Mr. President, I would like to engage the Republican leader in a brief colloquy on his most timely amendment concerning missile proliferation and the People's Republic of China to further clarify its meaning and intent.

Mr. President, had the People's Republic of China, PRC, chosen last year to join us in promoting the missile technology control regime, MTCR, this amendment would not be so pressing today. On April 16, 1987, the President announced a new policy to limit the proliferation of missiles capable of delivering nuclear weapons and set forth the guidelines of the MTCR in concert with the Governments of Canada, France, the Federal Republic of Germany, Italy, Japan, and the United Kingdom. These guidelines are quite clear and specific in establishing a strong presumption to deny any transfers of missiles capable of delivering payloads of 500 kilograms or more distances of at least 300 kilometers or the technology necessary to develop such missiles.

Unfortunately, the People's Republic of China neither joined in this regime or adhered to its guidelines, but instead has actively pursued the export of nuclear-capable missiles including the CSS-2, the M-9, and the M-11 to nations such as Libya, Syria, and Saudi Arabia.

Mr. President, under the MTCR, there would be a "strong presumption to deny such transfers" of these Chinese missiles to the nations of the Persian Gulf and Middle East and although this amendment does not specifically mention the MTCR, it is clear that its intent is to get the People's Republic of China to adhere to the accord's guidelines.

I ask the distinguished Republican leader if he agrees with this position.

Mr. DOLE. I do agree with the position offered by the Senator from Indiana.

Mr. QUAYLE. Mr. President, I thank the Republican leader, and appreciate his clarification on this point, which I believe is particularly important to the amendment's last provision, subsection 4. This provision specifies that if the People's Republic of China continues to export such missiles, the United States should reexamine all agreements it has or is contemplating that provide for arms and technology transfers to the People's Republic of China.

Again, although the amendment does not specify any particular agreements, it clearly would include the most important laws or agreements controlling United States arms and technology transfers to the People's Republic of China—in specific, those established by the Coordinating Committee for Multilateral Export Controls, Cocom, and Public Law 99-183, which implements the Agreement for Cooperation Between the Government of the United States and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy signed July 23, 1985.

I ask the Republican leader if he concurs.

Mr. DOLE. Mr. President, I do concur with the Senator form Indiana.

Mr. QUAYLE. Mr. President, I thank the Republican leader in making it clear that one of his amendment's key messages is that if the People's Republic continues to make exports that are inconsistent with the missile technology control regime's guidelines, all bets are off for any further loosening of Cocom restrictions on militarily sensitive technology transfers to the People's Republic of China or any exports from the United States of nuclear technology covered by the U.S.-PRC Nuclear Cooperative Agreement. Certainly, a second message is that our Government ought not to allow any further loosening of Cocom restrictions on militarily sensitive technology to the PRC or consider certification of PRC's nuclear nonproliferation credentials as called for by Public law 99-183 until it is confident that the PRC has ceased exporting missiles or missile technology for which there is a "strong presumption to deny such transfers" under the MTCR's guidelines and our Government is convinced that there is no evidence that such exports might resume.

I ask the Republican leader if he agrees with this view of his amendment.

Mr. DOLE. Mr. President, I do agree with the position of the Senator from Indiana.

Mr. QUAYLE. Mr. President, I thank the Republican leader and congratulate him on his most timely amendment. To establish a fuller understanding of it and this colloquy, I ask unanimous consent that the full text of Public Law 99-183 be printed in the RECORD at the end of this colloquy along with a missile proliferation update report prepared by my staff.

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

PUBLIC LAW 99-183, 99TH CONGRESS, JOINT RESOLUTION

(Relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the People's Republic of China)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the Congress does favor the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, done on July 23, 1985 (hereafter in this joint resolution referred to as the "Agreement").

(2) Notwithstanding section 123 of the Atomic Energy Act of 1954, the Agreement becomes effective in accordance with the provisions of this joint resolution and other applicable provisions of law.

(b) Notwithstanding any other provision of law or any international agreement, no license may be issued for export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement, and no approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be given—

(1) until the expiration of a period of thirty days of continuous session of Congress after the President has certified to the Congress that—

(A) the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear material, facilities, or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement;

(B) the Government of the People's Republic of China has provided additional information concerning its nuclear nonproliferation policies and that, based on this and all other information available to the United States Government, the People's Republic of China is not in violation of paragraph (2) of section 129 of the Atomic Energy Act of 1954; and

(C) the obligation to consider favorably a request to carry out activities described in Article 5(2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove such a request; and

(2) until the President has submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the history and current developments in the nonproliferation policies and practices of the People's Republic of China.

The report described in paragraph (2) shall be submitted in unclassified form with a classified addendum.

(c) Each proposed export pursuant to the Agreement shall be subject to United States laws and regulations in effect at the time of each such export.

(d) Nothing in the Agreement or this joint resolution may be construed as providing a precedent or other basis for the negotiation or renegotiation of any other agreement for nuclear cooperation.

(e) For purposes of subsection (b)—

(1) the continuity of a session of Congress is broken only by adjournment of the Congress sine die at the end of a Congress; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

Approved December 16, 1985.

BALLISTIC MISSILE PROLIFERATION UPDATE 1988

(By Senator Dan Quayle)

OVERVIEW

The pace of ballistic missile proliferation has quickened considerably since my release last year of the Congressional Research Service (CRS) report on Third World missile activity.

Egypt, India, Iraq, Iran, North Korea, Pakistan, and Saudi Arabia all joined the military ballistic missile club in the last 12 months. In addition, 1988 saw the export for the first time of an intermediate-range ballistic missile, a modified Chinese CSS-2. Ironically, this and many of the other missiles being developed or deployed by these nations were banned from U.S. and Soviet arsenals with ratification of the INF Treaty.

Clearly, these and other Third World ballistic missiles pose a threat to U.S. and allied peace keeping efforts in the Persian Gulf, and the Middle East, and the Far East. In fact, U.S. work has only recently begun on anti-tactical ballistic missiles or extended air defenses. The Joint Chiefs of Staff did establish a formal military operational requirement for such defenses, though, in March of this year.

As for intelligence on missile proliferation activity, more needs to be done. In the case of Saudi Arabia, nearly two years had elapsed between the Saudi agreement to purchase the Chinese weapons and discovery of the missiles through photo reconnaissance. Had the U.S. known of this deal even one year after it had been reached, it could probably have stopped it. Certainly, if we had more timely intelligence, it could be shared with our allies to support more effective, cooperative action.

Finally, our efforts at monitoring missile exports need significant upgrading. Although both the Secretary of Defense and the Secretary of State have called for increased participation in the Missile Technology Control Regime, no new member nations have yet joined.

More important, there are still only two experienced officials working on missile technology proliferation matters on a full-time basis—the same number that were working these issues a year ago. Last year Congress asked the Defense Department to report by February 1, 1988 on what additional personnel it needed to enforce the seven-nation Missile Technology Control Regime. The report has not yet been filed. Last month the Senate urged the Defense Department to create whatever job positions they needed to address the missile proliferation problem and to make temporary duty assignments if necessary. To date no action has been taken.

Some, of course, argue that U.S. efforts to control the export of ballistic missile technology come too little too late. Certainly nothing, including export controls, can reverse the damage that has already been done. But it is not too late to slow the pace of further dangerous missile commerce and this can buy time. With time, we can improve our missile technology intelligence network and develop cost-effective tactical missile defenses. With time, we can build the necessary diplomatic support for broader adherence to the Missile Technology Control Regime. With time and these efforts, we can reduce the threat.

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All of this, however, depends on there being a clear understanding of just how real the problem of missile proliferation is, which is the key objective of this report. The summary chart lists all Third-World guided ballistic missile activities and programs publicly discussed in either last year's CRS report or in articles published since this report (these materials are available upon request).

Unguided or nonballistic missile systems along with the nations having them are excluded from the listing. So too are nations, such as Turkey, Jordan, or Ethiopia, which may have older U.S. Lance or Soviet SCUD missiles but no indigenous missile effort of their own. All instances in which these systems are being upgraded or reexported, though, are listed.

Following this chart are brief country reports on nations that have engaged in activities since the release of the CRS report. All footnotes to these country briefs can be found at the report's conclusion.

THIRD WORLD GUIDED BALLISTIC MISSILE ACTIVITIES SUMMARY CHART

[By Senator Dan Quayle]

Country	Ballistic missile	Description
Argentina	Condor I	100-km. range, 400-kg. payload.
	Condor II[1]	800-km. range, in cooperative development with Egypt.
	Medium-range missile[1]	1,500-km. range, in cooperative development with China.
Brazil	SS-300[1]	300-km. range, derived from Soviet SCUD-B, slated for production in 1989-90, offered to Iraq.
	SS-1000[1]	1,200-km. range, 1,000-kg. payload, to be operational by 1991.
	MB/EE 150	150-km. range, 500-kg. payload, to be operational by 1990.
	MB/EE 300[1] 600 and 1000	300, 600 and 1,000-km. range variants that Libya offered to buy from Brazil earlier this year.
	Sonda IV	240-975-km. range, 500-kg. payload, currently operational as a space launch vehicle.
	VLS	Space launch vehicle for low-earth orbit, 1st launch expected 1989-90.
China (PRC)	CSS-2[1]	2,700-km. range exported to Saudi Arabia, may have been offered to Libya and Argentina.
	M-9[1]	600-km. range, reportedly offered to Syria in June 1988.
	M-11[1]	300-km. range, on display for export at FIDA air show in Chile, 1988.
Egypt	Condor II[1]	800-km. range, in cooperation with Argentina, financed by Arab sources, possibly including Iraq.
	SCUD-B[1] modified	560-km. range, in cooperation with Iraq, North Korea, Argentina.
India	Prithvi[1]	250-km. range, 1,000-kg. payload, flight tested Feb. 1988.
	SLV-3[1]	Operational space launch vehicle, could be converted into a military ICBM of 1,500 to 2,000-km. range 6 months after decision to do so.
	ASLV[1]	For space launch, tested 1987 (failure), development expected to be complete by 1990, could be converted to an ICBM.
	PSLV	For space launch, 1,000-kg. payloads into low-earth orbit, development to be completed by 1989.
	GSLV	For space launch, 1,000+ kg. payloads into geosynchronous orbit, first launch expected 1991.
Indonesia	Rocket program	First test of a two-stage guided rocket in March 1988, part of a national effort to acquire a satellite launch capability by 1993.
Iran	SCUD[1] chemical upgrade/production	Tested with indigenous chemical warhead in late February of 1988, Iranians also claimed earlier this year to be producing a 300-km. range SCUD at their own plant.
	Medium-range missile[1]	130-km. range missile reported to have been tested and put into mass production in early 1988.
Iraq	SCUD[1] upgrade I	650 km. range, tested in August 1987, used against Tehran, possibly developed in cooperation with Egypt, Germany (East and West), China, Brazil and the Soviet Union.
	SCUD[1] upgrade II	900-km. range, reportedly tested late April and in cooperative development with the same list of possible nations.
	Condor II[1]	800-km. range, in development with Argentina and Egypt.
Israel	CSS-2[1]	Reported cooperative development of guidance of a nonnuclear version of this Chinese export to Saudi Arabia.
	Jericho I	452-565-km. range, 1,000-1,500-kg. payload, first flown 1968, now operational.
	Jericho II	820-1,450-km. range, in flight testing.
Libya	CSS-2[1]	Libyan attempt to purchase this Chinese medium range ballistic missile reported May 1988.
	MB-EE[1] series (150, 300, 600, 1000)	Libyan attempt to seal a $2 billion deal to buy these Brazilian missiles was reported February 1988.
	Iltissalat[1]	500-km. range missile project with OTRAG, Zaire-based rocket manufacturer owned by West German interests that has built rocket facilities in Libya.
	SCUD-B[1]	Sold these from existing inventory to Iran in exchange for chemical weapons.
North Korea	SCUD[1] upgrade	Manufactures and exports these to Iran, reported to be cooperating with Egypt and Argentina on this missile and Argentina's Condor II.
Pakistan	Theater[1] ballistic missile assistance	Tested May 1988, 1,000-kg. payload, range perhaps as high as 650 km, may have been developed with OTRAG.
Saudi Arabia	CSS-2[1]	Purchased from China, reported to be modified for nonnuclear munitions delivery, 2,700-km. range.
South Africa	SSM	Development of a long-range missile announced by ARMSCOR, 1987.
South Korea	Korean SSM	180-km. range, adaptation of U.S.-supplied Nike-Hercules air defense missiles.
	Korean SSM upgrade	220 to 250-km. range.
Syria	M-9[1]	600-km. range, deal to purchase these from China reported June 1988.
	SS-21	120-km. range, Soviet supplied.
	SCUD-B chemical upgrade	450-km. range, Soviet supplied, fitted by Syria with chemical warheads.
Taiwan	Ching Feng	100-km. range, similar to U.S. Lance.
	Theater ballistic missile	960-km. range, development reported.

[1]Denotes new items discussed in update 1988.

ARGENTINA

Argentina is now harvesting the fruits of its long-term effort to develop its own tactical missiles and has begun cooperation in this effort with Egypt and China. First news of this cooperation came in a December 21, 1987 London Times report that Argentina had recently concluded a cooperative arrangement with Egypt for the development and production of long range battlefield missiles that could reach the Falkland Islands. The missile, designated Condor II, is reported to have an 800-km. range, and is powered by a solid-fuel rocket engine.(1)

More recently, on May 22, the London Sunday Times revealed that Argentina and China had completed a secret deal for the co-production of anti-ship and medium range missiles. It has been speculated that these new missile designs will be derived from the Chinese East Wind 3 (CSS-2), which has a range of 1500 kilometers when carrying conventional explosives, and up to 2700 kilometers when carrying a nuclear warhead.(3)

BRAZIL

Brazil missile marketing attracted a new prospective customer in 1988—Libya, which offered $2 Billion to buy Brazil's latest theater ballistic missiles.

Several sources have reported that the Brazilian company Orbita Aerospacial Systems has considered Libyan offers of financial assistance in Orbita's current development of a new family of the MB/EE series ballistic missiles.(1) The series is to include missiles capable of carrying warheads of up to 900 kilograms distances of 100, 300, 600, and 1000 kilometers. The MB/EE-600 and MB/EE-1000 will be developed from the technology acquired in the manufacture of the SONDA-II and SONDA-IV rockets. If concluded, the deal may call for manufacture of the missiles in Libya.

Brazil hopes to secure other markets for its SS-300 family of missiles expected to be operational by 1991. Numerous reports issued since last summer have identified Iraq as actively pursuing a deal with Brazil for the SS-300, a 300-km. range missile derived from the Soviet SS-1 Scud B and slated for production in the 1989 to 1990 time frame.(2)

In related efforts, Brazil announced its plans to place its first satellite in orbit by 1989 or 1990, launched by a SONDA-IV rocket.(3) Brazil has also made the military responsible for the management of both its missile development and its nuclear research programs.(4)

CHINA

The Peoples Republic of China has been aggressively promoting foreign export of its ballistic missiles and other arms during the past year. It seems to be willing to sell to nearly any nation, particularly in the Middle East. The Los Angeles Times reported that China has had recent arms deals with Iran, Iraq, Egypt, Syria, Israel and Saudi Arabia.(1)

In addition to the highly publicized sale of the CSS-2 "East Wind" 2700-km range missile to Saudi Arabia, the Washington Times reported that China was continuing to sell Silkworm missiles to Iran, despite promises to the U.S. to stop sales.(2) The June 27, 1988 issue of Newsweek also revealed that China is about to sell its newest missile, the 600-km range M-9, to Syria while subsequent reports indicated that China may be negotiating a sale of these missiles with Iran as well.(3)

The M-9 is one of China's new M family of short and medium range mobile missiles similar to the Pershing missile and is still in development testing. It is said to be 20 years more advanced than either the Silkworm or the East Wind. It is also thought to be the first Chinese missile made specifically for export.

China displayed another member of its M family of missiles, the M-11, and other missiles at the FIDA 88 exhibition in Santiago, Chile. The April 9, 1988 issue so Jane's Defence Weekly described the previously unknown M-11 missile as having a range of up to 300 km with an 800 kg warhead.(4)

EGYPT

The Egyptian military, which has had an interest in fielding ballistic missiles dating back to 1956, made its most dramatic moves toward securing such weapons earlier this year.

A March 17, 1988 JPRS transcription (JPRS-NEA-88-019) of an Arabic publication (AL DUSTUR) disclosed that Egypt is supervising implementation of the final phases of a joint program with Argentina to develop a nuclear capable ballistic missile with an 800 km range. The report stated that development of the missile, the Condor II, involved technical assistance by Argentina and is financed by Arab sources.(1)

While Egypt claims the Condor II is being developed to counter the Israeli Jericho II missile and affect a strategic balance with Israel, there is growing concern that it may be exported to other third-world countries by either Egypt or Argentina. A missile with this range and performance could add a dangerous ballisitc delivery capabilty in unstable areas of the world.

An earlier JPRS transcription from AL-HAWADITH (February 26, 1988) implied that Iraq may have also entered into joint cooperation with Egypt and Argentina to produce the Condor II. According to this report, European observers also believe Egypt is developing a long-range ground-to-ground (SCUD-B) missile with North Korea.(2)

Other recent Egyptian missile development activities include work with Iraq, described in a Chicago Tribune article dated May 5, 1988, to modify Soviet-made Scud-B missiles so they can reach the Iranian capital. Jane's Defence Weekly, dated March 12, 1988, describes Egypt's effort to develop the unguided Sakr 80 rocket system to replace the Soviet FROG-7 tactical surface-to-surface missile.(3,4)

INDIA

On February 25, 1988, Prime Minister Rajiv Gandhi announced the successful test of India's first dedicated military ballistic missile, the Prithvi missile. He stated that the missile had the capability of carrying large warheads (1000 kg) at least 250 km—lighter warheads could be delivered a much greater distance. India Today reported in its March 31, 1988, issue that the missile has a very advanced and accurate inertial guidance system which makes it an effective weapon with conventional as well as nuclear warheads.(1,2)

The development of the Prithvi missile puts India in a select club of five nations. Only China, France, the USSR and the USA have proven missiles of this class. Western experts believe linking the Prithvi technology with a longer range missile could give India a truly long range nuclear capability.

India's indigenously-produced space launch vehicles have the potential for conversion into long-range ballistic missiles. Experts have predicted that their operational space launch vehicle (SLV-3) would have a range of 1500 to 2000 km. The Advanced SLV (ASLV), expected to be developed by 1990, would have an intercontinental range.(3)

An article in the August 27, 1987 issue of Far Eastern Economic Review stated that India has over 10,000 scientists and engineers working on their space program. They have demonstrated the ability to build and launch sophisticated satellites and place them into precise orbits. This vast cadre of well-trained scientists and engineers places India among the top six or eight countries in the ability to develop long range nuclear capable missiles for their own use or for export.(4)

INDONESIA

According to a Washington Times report dated 31 March 1988, Indonesia advanced toward an indigenous space launch capability by launching its first two-stage solid-fuel rocket. This, along with two subsequent rockets, were the first guided missiles to be launched by Indonesia. A spokesman said Indonesia hopes to launch its own satellite by 1993.(1)

In the past, Indonesia has experimented with small unguided sounding rockets which achieved altitudes of less than 60 km. Launching a multi-stage guided missile was a significant step forward. This technology could enable Indonesia to develop a military ballistic missile, if it chose to do so.

In 1986 China proposed a space cooperation agreement with Indonesia to construct an $800 million equatorial launch site in Indonesia to launch its Long March 3 satellite launch vehicle. A Chinese corporation reportedly suggested a joint China-Indonesia effort to develop and launch communications satellites. This corporation deals in the export of tactical missiles as well as space equipment.(2)

IRAN

Iran has escalated its missile war against Iraq beyond mere use of Soviet SCUDs by announcing that they are now producing and retrofitting these missiles with chemical warheads and producing an indigenously designed medium range missile of their own.

The Observer, on March 13, 1988 reported that the Iranians first tested a Soviet SCUD-B with an Iranian-produced chemical warhead in late February and that they intended to use these to strike Iraq.(1)

Later, on March 29, 1988, the majis Speaker, Hashemi Rafsanjani, and, then, on April 7, 1988, the Iranian Defense Minister, Brigadier General Jalali, both confirmed that Iran had tested a missile of 130-km. range (sufficient to hit Baghdad) and that Iran's Defense Industries Organization (DIO) was completing preparations to put this missile into mass production (as many as 20 a day) by the end of the month. Iran's first deputy minister of defense, Colonel Rahimi, however, stated on April 14 that the missile had only a range of 120 kilometers and that more work needed to be done to reach the 130-km. goal.(2)

Both Rahimi and the Minister of the Islamic Revolutions Guards Corps have claimed that Iran is now producing its own SCUD missiles and that 80 percent of the missiles fired on Iraq came from Iranian production. Over 50 Iranian SCUD-Bs have been fired on Baghdad since the missile "war on the cities" sarted in March, and the Soviets have denied that any of these were Soviet made.(3) Earlier in 1985, Iran bought Libyan SCUDs and Iran is known to have bought arms from North Korea, which has its own SCUD production capability and is reported to be sharing this technology with Egypt and Argentina.(4)

IRAQ

Iraq demonstrated a major advancement in missile capability earlier this year by striking Iran's capital Tehran, located 480 km east of Iraq's border, for the first time with ballistic missiles. According to a Washington Post article dated 5 May 1988, more than 160 Iraqi missiles were fired at Tehran and four other major Iranian cities between February 29 and April 18 of this year.(1)

While Iraq claims this upgraded missile arsenal, composed mainly of modified Soviet-designed Scud-B missiles, has been manufactured in Iraq, the Washington Post article and other articles cite evidence that Iraq had help from other countries. Possibilities include: Egypt, Germany (both East and West), China, Brazil and the Soviet Union. There is also conjecture, discussed in an April 1988 Defense Electronics article and a March 7, 1988, MEDNEWS (Middle East Defense News) release, that Iraq may have a cooperative venture with Brazil to produce missiles. MEDNEWS also discusses possible cooperation among Argentina, Egypt and Iraq for co-development of Argentina's Condor II missile, which is believed to have an 800-km range (2,3).

A New York Times article, dated April 30, 1988, and news releases from Baghdad claim that Iraq successfully tested a new surface-to-surface missile with a range of 900 km. This missile, designated Al-Abas, is believed to be Iraq's second upgrade of the Soviet-built Scud-B missile. The first upgrade, designated Al-Hussein, which has a 650-km range, was successfully tested in August 1987. This is believed to be the missile used against Tehran. The original Scud-B has a range of only 260 km.(4)

ISRAEL

In addition to Israel's development of its own Jericho I and Jericho II nuclear capable ballistic missiles, Israel is apparently now trying to export its missile technology to other countries. An article in the May 23, 1988 Washington Post claims Israeli experts worked secretly in China to improve the guidance system for the CSS-2 "East Wind" missile which China sold to Saudi Arabia. A Washington Times article, dated April 4, 1988, reported that Israel had also signed a secret deal to supply advanced missile warheads to China as well as "Trajectory-corrected" missiles of unspecified designation. (1,2)

LIBYA

Defense Secretary Frank C. Carlucci reported to Congress on May 10 of this year that he was concerned about Libya acquiring missiles capable of delivering nuclear warheads to the United States. What may have fueled his concern is Libya's most recent attempts to buy intermediate range ballistic missiles from Brazil and China. A May 14 article in Flight International revealed that Col. Gaddafi was attempting to buy the improved version of the Chinese CSS-2 missile, which China previously sold to Saudi Arabia. The improved CSS-2 has a range of up to 2700 kilometers and is capable of delivering a nuclear, conventional, or chemical warhead.(1)

Libya has also approached Brazil with a $2 billion offer to help finance development of a family of short to medium range ballistic missiles. The Brazilian missiles, the MB/EE series, have ranges of from 100 to 1000 kilometers, and can deliver up to a 900 kilogram warhead.(2) The proposed pact called for manufacture of the missiles in Libya, but more recent indications are that the deal may have faltered.(3)

Libya has also been attempting to establish its own ballistic missile development capability, and has been receiving assistance from German-owned firms, including OTRAG, which has build missile facilities in Libya. They have established a secret missile test range in the Libyan desert in Tauwiwa where work has focused on development of a 500-km. range ballistic missile.(4)

NORTH KOREA

The Korea Times reported in May of 1987 that North Korea was joining a number of other nations in developing its own space launch capability. This probably means an indigenous ballistic missile capability also, which was borne out by an article in the Washington Times on June 1, 1988 disclosing that Iran bought 100 surface-to-surface missiles from North Korea. These are believed to be Soviet Scud type missiles produced in North Korea. The article states that the missiles were part of a $500 million arms deal which means that North Korea continues to be a major, if not the major supplier of weapons to Iran. There is also some speculation that North Korea may be helping Iran produce its own ballistic missiles.(1,2)

North Korea is also importing new long-range surface-to-air missiles from the Soviet Union, according to a report in the June 3, 1988 issue of International Media. This missile, designated the SA-5, is said to have a 300-km range—enough to threaten the airspace over Seoul, South Korea.(3)

PAKISTAN

Pakistan took a quantum leap forward last month in its effort to develop its own ballistic missile arsenal when it test fired a missile capable of delivering a nuclear warhead to India's capital. News of this breakthrough was reported by the New York Times, which said the missile test occurred on April 25 in the Thar Desert.

Details about the missile were sketchy but The New York Times reported that it had sufficient range (at least 1000 kilometers) to reach Bombay and New Delhi and that it was a Pakistani design developed in cooperation with China.(1) Earlier reports indicate that the effect may have also received German assistance.(2)

Pakistan may also be approaching the ability to manufacture nuclear warheads for the missiles. Expanding on a London Times report of last December that the Pakistanis were building a second nuclear enrichment plant, the New York Times revealed on January 9 that although the Pakistani government denies it is planning to manufacture nuclear weapons, it continues to refuse on site inspections.(4)

SAUDI ARABIA

Disclosure earlier this year that Saudi Arabia had purchased CSS-2 "East Wind" missiles from China raised the stakes in the already overheated Middle East arms race. An article in the May 12, 1988 Washington Times stated that the U.S. photo reconnaissance analysts had discovered 50 of these 2,700-km range mobile missiles earlier this year at two desert bases in Saudi Arabia.

This article quoted one official who stated that the accuracy of the CSS-2 was so poor that only warheads of mass destruction, such as nuclear or chemical-biological warheads, made sense. However, other sources believe Israel may have helped China improve the accuracy of the missile, making it effective with conventional warheads. In either case, a missile of this range is a threat to the entire Middle East.(1)

A Los Angeles Times article dated May 4, 1988, describes the failure of our intelligence system to discover this missile sale until nearly two years had elapsed and the missiles were installed in Saudi Arabia. Even then, the missile sites in the Arabian Desert were discovered only by chance by an alert reconnaissance photo reader who was looking for new airfield construction around the world. The Washington Post reported in an article published that Saudi Arabia went to great lengths to deliberately deceive the U.S. on the missile sale for fear the sale would be stopped if the U.S. found out about it before the deal was sealed and the missiles deployed. The article suggested that, had our intelligence uncovered this sale sooner, we most likely could have stopped it.(2,3)

SYRIA

Syria may be close to putting all of Israel within range of Syrian ballistic missiles. The June 27, 1988 issue of Newsweek reported that Syria is attempting to purchase China's newest ballistic missile, the 600-kilometer range M-9. The M-9 is reported to be similar to the U.S. Pershing, and to be 20 years more advanced than either the Silkworm or the CSS-2 East Wind.(1)

Any transfer of these missiles, however, is unlikely to take place right away. Both the New York Times and the Washington Post noted that the M-9 is still in development and was only just tested for the first time on June 19 or 20, 1988. These papers also reported that both U.S. and Israeli officials believe that the deal is only at the "negotiating stage".(2)

Syria already has SCUD-B missiles with chemical warheads and more modern Soviet SS-21's and was planning to acquire 500 kilometer range Soviet SS-23 ballistic missiles before the INF Treaty banned the SS-23's export.(3)

FOOTNOTES BY COUNTRY

ARGENTINA

1. "Argentina, Egypt in Long Range Missile Project", London Financial Times, December 21, 1987, p. 1.

2. "Argentina in Missile Deal", London Sunday Times, May 22, 1988, p. 19.

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1. "Missiles to Libya", Washington Times, February 22, 1988, p. 10; "Libya/Brazil", Jane's Defence Weekly, February 4, 1988; "Brazil Warned by U.S. on Arms Sales to Gadaffi," 1988 Financial Times, January 27, 1988, World Trade News, p. 6.

2. "Arms Expert Says Iraq Can Obtain Missiles", 1987 Reuters, December 15, 1987.

3. "Brazil Expects to Orbit first Satellite by 1990", Defense Daily, May 16, 1988, p. 86.

4. "CTA Director Supports Use of Nuclear Energy", Folha De Sao Paulo in Portuguese, August 9, 1987, p. A-4.

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1. "U.S. Caught Napping By Sino-Saudi Missile Deal," Los Angeles Times, May 4, 1988, p. 1.

2. "China Breaks Its Word, Keeps Selling Missiles to Iran," Washington Times, June 3, 1988, p. 1.

3. "Missile 'Crisis'," Newsweek, June 27, 1988, p. 5; "Syria Is Studying New Missile Deal," New York Times, June 22, 1988, p. 6; "China Missile Sale report Concerns U.S.," Washington Post, June 23, 1988, p. A33.

4. "China's M-11 Is Revealed," Jane's Defence Weekly, April 9, 1988, p. 655.

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1. "Factories Develop Long Range Surface-to-Surface Missiles," AL-DUSTER in Arabic, March 8, 1988.

2. "Argentine Cooperation on Missile Production Reported," AL-HAWADITH in Arabic, December 25, 1987.

3. "Egyptians Update Iraqi Missiles," Chicago Tribune, May 5, 1988, p. 15.

4. "More Details of the Egyptian Sakr 80 Rocket System," Jane's Defence Weekly, March 12, 1988 p. 462.

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2. "Shooting Ahead," India Today, March 31, 1988, p. 170.

3. "India Enters the Missile Age," Sunday, (India magazine) March 13-19, 1988.

4. "Step by Step Towards Eventual Self Reliance," Far Eastern Economic Review, August 27, 1988 p. 51.

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1. "Missiles Armed with Chemical Warheads, 'in sight'", The Observer, March 13, 1988, p. 23.

2. "'Most' Iraqi Cities Now Within Missile Range," Tehran INRA, March 29, 1988; "New Missile Nearly Ready for Production," Tehran Domestic Service in Persian, April 7, 1988; "Radio Phone-In With Defense Officials," Tehran Domestic Service in Persian, April 14, 1988.

3. "Minister on Missile Manufacture," Tehran IRNA, November 8, 1988; "Iran's Home-Made Arms Industry," The Middle East, April 1988, pp. 18-19; "USSR Denies Supplying Rockets," Kuwait KUNA, April 20, 1988.

4. "Iran, in 6-Year Search for Arms, Finds World of Willing Suppliers," New York Times, November 25, 1986, p. 1; also see update report entries on North Korea and Argentina.

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2. "Iraq Launches 'Hossein' Missile Against Tehran," Defense Electronics, April 1988, p. 19.

3. "Iraq Launches 'Hossein' Missiles Against Tehran," MEDNEWS (Middle East Defense News), March 7, 1988, p. 1.

4. "Iraqi Missile With Extended Range Is New Peril to Iran's Cities and Oil," The New York Times, April 30, 1988 p. 18.

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1. "Israel Aided China On Missiles," Washington Post, May 23, 1988, p. A1

2. "Israel Denies Supplying China With Warheads," Washington Times, April 4, 1988, p. 10.

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1. "Libya Wants CSS-2", Flight International, May 14, 1988, p. 6.

2. "Brazil: Libyan Military Mission Discussing Arms Deals," O' Globo (Rio De Janiero), 21, January 1988, p. 2.

3. "Libya Wants CSS-2", Flight International, May 14, 1988, page 14; "Brazil Warned by U.S. on Arms Sales to Gadaffi", 1988 Financial Times, January 27, 1988.

4. "Libya is Developing SSM", Flight International, May 23, 1987, page 10; "Libya's Ballistic Missile," ABC News This Morning, 6:30 AM, April 28, 1987.

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1. "Korea To Launch Nation's 1st Research Satellite By 1996," The Korea Times, May 21, 1988, p. 1.

2. "Pyongyang Missile Sale To Tehran Reported," Washington Times, June 1, 1988, p. 2.

3. "New Soviet Missiles," INTERNATIONAL MEDIA, June 3, 1988, p. 8.

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1. "Pakistan Accused of a Nuclear Move," New York Times, May 24, 1988, page A1.

2. "Two Missiles in Every Garage," by Gerald M. Steinberg; Bulletin of the Atomic Scientists, October 1983.

3. "Reports of Pakistani Uranium Plant Weighed," New York Times, January 10, 1988.

4. "Pakistan Rejects Renewed Requests for Nuclear Inspections," New York Times, August 6, 1987.

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1. "State, Pentagon Worry About Saudi Missiles," Washington Times, May 3, 1988, p. 3.

2. "U.S. Caught Napping by Sino-Saudi Missile Deal," Los Angeles Times, May 4, 1988, p. 1.

3. "The Turtle Snaps Back," Washington Post, April 13, 1988, p. 2.

SYRIA

1. "Missile 'Crisis,'" Newsweek, June 27, 1988, p. 5.

2. "Syria is Studying New Missile Deal," New York Times, June 22, 1988, p. 6; "China Missile Sale Report Concerns U.S.," Washington Post, June 23, 1988, p. A33.

3. "New Missile Threatens Israeli-Syrian Military Balance, Defense Update International, May 1987, #75; "Soviet's chemical war chief alerts West with Syria visit," The Washington Times, April 8, 1988, page A9.

I yield back any time I may have.

The PRESIDING OFFICER. The Senator yields back his time. The Senator from South Carolina is recognized for 9 minutes.

Mr. HOLLINGS. Mr. President, the most dynamic development perhaps of any nation in the past decade has been that of the People's Republic of China, and the United States policy is to support that development as they move in essence toward capitalism. However, Mr. President, we cannot afford to move to a capitalistic weapons development and delivery, particularly into the Mideast, as has been occurring, from the People's Republic.

On this side of the aisle, we think the distinguished minority leader's exception is well taken, and we join in the sentiment and substance of this particular provision and urge its adoption.

If anyone wishes to speak on it, I am going to suggest the absence of a quorum just for a second. We have limited time. I do not want to cut off anybody who wanted to be heard, so I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. RUDMAN. I thank the Chair.

Mr. President, the Republican leader has offered a very sensible and direct amendment to this bill. There is little doubt that the sale of Silkworms in particular and other armaments——

The PRESIDING OFFICER. Is the Senator proceeding under the time of the Senator from South Carolina?

Mr. RUDMAN. I am.

The PRESIDING OFFICER. The Senator may proceed.

Mr. RUDMAN. There is little doubt that the sale of that technology has made the Persian Gulf an even more dangerous place, and I hope that in light of the enhanced relationship we have enjoyed with the People's Republic of China they might pay some attention to the sense of the Senate and I think probably of all Americans that a reduction in the sale of this kind of high-technology weaponry in that area would certainly add to the possibilities of a peaceful solution to the conflict there.

I ask the chairman if we now wish to yield back the remainder of our time?

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute 30 seconds remaining.

Mr. RUDMAN. 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. HOLLINGS. 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. HOLLINGS. Mr. President, the hour of 10:20 having arrived, the rollcall has been ordered.

The PRESIDING OFFICER. The Senator from South Carolina is correct. All time has expired for debate. Under the previous order, the question is on agreeing to the amendment of the Senator from Kansas [Mr. DOLE]. 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 Texas [Mr. BENTSEN] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—97

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

NAYS—0

NOT VOTING—3

Bentsen	Biden	Metzenbaum

So the amendment (No. 2689) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, we have pending now, of course, the next Dole amendment, and I understand that the distinguished minority leader is on his way to submit it. That has to do with the Armenians.

Then we have the Gramm amendment, with a 1-hour time limit on it, affecting legal services. Perhaps there will be a Pell amendment, and then we will be through, for the information of everyone.

While we await Senator DOLE's presence, 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, every minute that the Senate waits at this point on Senators to offer amendments is another minute tonight added on to all other 99 Senators.

I heard that a Senator is on his way to offer an amendment, but I have been hearing that for the last several minutes.

So I hope that, for the convenience of the Senate, we can have an amendment called up quickly so we can finish this bill and go on to the next appropriation bill. I have said earlier today that I expect the Senate to be in late in an attempt to finish the Labor-HHS appropriation bill this evening. As I say, time is wasting now. What

comes off the front end will be added on the back end.

I hope that will help a little bit.

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, I ask unanimous consent that there be 15 minutes, to be equally divided, on the amendment by Mr. McCAIN, and that no amendment to the amendment be in order.

The PRESIDING OFFICER. Is there objection? Hearing none, that is the order.

The Senator from Arizona is recognized for 7½ minutes.

AMENDMENT NO. 2690

(Purpose: Expressing the sense of the Senate that the Soviet government should respect the human rights and legitimate aspirations of the Armenian people)

Mr. McCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. WILSON, and Mr. DOLE, proposes an amendment numbered 2690.

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

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

The amendment is as follows:

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

The Senate finds that:

The 1923 Soviet demarcation of Azerbaijan and Armenia resulted in over 100,000 Armenians residing in Azerbaijan;

The Armenian people of Azerbaijan have called upon the Soviet Government to allow them to secede and join Armenia;

The Supreme Soviet in March 1988 refused to allow the secession of Nagorno-Karabakh to Armenia;

The legislature of Nagorno-Karabakh voted on July 12, 1988 to secede from Azerbaijan and unite with Armenia;

On July 18, 1988, the Presidium of the Supreme Soviet rejected proposals for any changes in the region's borders;

The Soviet citizenship of Armenian leader and activist Paruir Airikyan has been revoked for "damaging the prestige of the Soviet Union";

The Soviet Army has been deployed to the region to maintain order, and has forceably disrupted and suppressed peaceful demonstrations;

Dozens of Armenians have been killed and hundreds injured during the recent unrest: Now, therefore, be it the sense of the Senate that:

(1) The Soviet government should respect the legitimate aspirations of the Armenian people.

(2) The Soviet government should discontinue its very serious violations of the human rights of the Armenian people.

(3) If the Soviet Union continues its deplorable suppression of the Armenian people, it will inevitably impact on U.S.-Soviet relations.

Mr. McCAIN. Mr. President, on behalf of myself, Mr. WILSON, and Mr. DOLE, I offer this amendment to express the sense of the Senate that the Soviet Union should respect the human rights and legitimate aspirations of the Armenian people.

Mr. President, despite all the wonderful things we have been hearing about concerning the Soviet Union, the much noted relaxation of the police state which has characterized the Government of the Soviet Union for now over 70 years, the atmosphere of glasnost and perestroika and all of the other Russian words that we Americans are becoming familiar with, the fact remains that in at least one part of the Soviet Union, human rights are not only being restricted, they are being abused on a daily basis. In fact, I am a bit disappointed that the shocking behavior of the Government of the Soviet Union toward the Armenian people is not being more widely reported, nor is it being widely protested by our State Department or by our media.

Mr. President, the demarcation of Armenia and Azerbaijan left thousands of Armenians in Azerbaijan. One hundred thousand Christian Armenians now live in that mostly Moslem country. They are not seeking independence from the Soviet Union, Mr. President. They are asking to join Armenia.

Moscow continuously has refused this secession. Clearly the Armenian nationalists sought, within the context of a relaxation on the part of the Soviet Government, to express their desires to join Armenia. They expressed this in a peaceful manner through nonviolent protest, through strikes, through work stoppages, and other ways which I think characterize legitimate expressions of human rights and desires.

The Government of the Soviet Union through the Red Army has now begun a severe crackdown of arrests and food embargoes to end the Armenian's nonviolent activity.

Mr. President, I have no doubt that they will be able to end the unrest, just as they have in other parts of the Soviet Union when activities by Estonians, Latvians, Lithuanians, and other nationalist organizations have sought to exercise their human rights.

At the same time, I believe we have the right to expect Mr. Gorbachev to live up to the commitments he has made to respect human rights in his own country. This amendment simply calls upon Moscow to respect the legitimate aspirations of the Armenian people and to discontinue violations of Armenian human rights. This amendment also states that continued violations would have an impact on United States-Soviet relations.

With that, Mr. President, I yield to my distinguished friend and colleague, our Republican leader, Senator DOLE.

The PRESIDING OFFICER. The minority leader is recognized for 4 minutes.

Mr. DOLE. Mr. President, I am pleased to join my colleagues from Arizona and California, and I am certain many other colleagues, in offering what I consider to be an important amendment.

I have spoken three times on the Senate floor in recent months about the tragic situation in Armenia and Azerbaijan—where Soviet military forces have violently broken up peaceful demonstration, reportedly killed several and injured hundreds of the demonstrators, and thrown hundreds in jail. I have also written twice to Soviet General Secretary Gorbachev on this terrible situation—urging him to live up to his fine words about "glasnost" in terms of Soviet policy toward its Armenian citizens.

All of this, and the many, many other protests around the world, have gone unheeded.

The violence and suppression of human rights has continued. Many more have been injured and jailed. And one prominent Armenian leader has been deported from his own homeland.

All of this because the Soviet Armenian people had the temerity to state their own political aspirations and tried to exercise their human rights.

We are under no illusion that, by passing this resolution, we are going to change anything. I remember in visiting with Mr. Gorbachev recently in Moscow, he was saying that he does not like these resolutions that somehow condemn the Soviet Union. Well, we would not pass these resolutions if he were respecting the human rights of the many nationalities that live in the U.S.S.R., and, in this case, the Armenian people.

But we know with certainty that we have to continue to speak up and we have to speak loudly and in a bipartisan way. And I have no doubt in my mind that this amendment is going to have near unanimous support. We must carry to the Nation and the world the story of what is happening to the Armenian people. We must signal to the Soviet leadership that we deplore what they are doing in Armenia, and that it will inevitably damage our bilateral relations.

The Armenian people have suffered too long. All they want are their rights.

We will not rest until those rights are restored.

So I hope that the amendment will be approved unanimously by this body, by Republicans and Democrats alike, in sending a strong signal to the Soviet Union and its leadership and a strong signal to the Armenian people and to those in this country who support the rights and the plight of the Armenian people.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we are prepared to accept the amendment on this side. It is well taken. Coming from South Carolina, it piqued my interest when it talked about secession and I was ready to oppose it because we had learned the hard way that secession was the wrong course in my own State.

But this is not seceding, but rather the joining of people under human rights. I think of the time when the distinguished Senator from Georgia, Herman Talmadge, was talking about the Georgians moving down to Florida, which more or less likens to this particular situation, and he said that improved the intelligence levels of both States.

This would improve the liberties and human rights of Armenians, period, wherever they are within the Soviet Union. So we are not interfering with the political infrastructure or affairs, you might say, but, rather, we are trying to emphasize human rights. And on that basis, we accept the amendment on this side.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, the Republican leader and Senator from Arizona have spoken eloquently to the amendment. I agree with the chairman it is an amendment that will be overwhelmingly agreed to by the Senate and I agree with the chairman. The amendment is acceptable.

Mr. WILSON. Mr. President, I rise in support of this worthy amendment offered by my distinguished colleague, Mr. McCAIN, and I am proud to be the primary cosponsor.

The McCain-Wilson amendment simply expresses the sense of the Senate that the Soviet Government should respect the aspirations of the Armenian people. And while we hope this gesture will alter the attitude of Soviet leaders toward their own citizens, this resolution nevertheless makes the vital moral statement that the United States Senate will not forget those men and women behind the Iron Curtain who struggle for communities united in peace.

And the Armenians of the Soviet Union, Mr. President, want only to unite—not to rebel or secede. During the week of January 11, 1988, the Soviet Government received a petition from the residents of Nagorno-Karabakh, an autonomous region of the Azerbaijan Republic, asking for the merger of their community with Soviet Armenia.

The Soviets, however, reacted to this initiative by ignoring the petition, suppressing media reports, and deploying Red army troops to the Nagorno-Karabakh capital of Stepanakert. More recently, General Secretary Gorbachev issued a public statement denying the request for the unification of Karabakh with Armenia.

These actions, Mr. President, demonstrate once again that the doctrine of "glasnost" will not restrain Soviet authorities from ignoring basic human rights if they perceive a threat to the stability of their empire.

This amendment, then, sends the message that the Senate will not ignore the gap between Mr. Gorbachev's rhetoric and the reality of the injustice suffered by the ethnic populations of the Soviet Union. A united Armenia, after all, would pose no threat to Mr. Gorbachev or the Communist Party. It would simply bring generations and families of a proud yet persecuted culture back together in their one homeland.

We must keep the spotlight of constant attention on Soviet repression of the rights of Armenians within the Soviet Union, Mr. President. We must insist that the entirely legitimate and nonthreatening desire of Soviet Armenians to exercise their rights be granted by Moscow as the express condition to any credibility in the West for "glasnost."

If the General Secretary would have us believe that there is a real restructuring of Soviet society into something resembling an open and democratic society, we must tell him clearly we will not be convinced by slogans or gestures or the most massive public relations assault. Rather, he must simply let his people go—as is their right in any free society, but not yet in the Soviet Union.

Mr. CHAFEE. Mr. President, I am pleased that the Senate today approved an amendment expressing the sense of the Senate that the Soviet Union should respect the human rights of Armenians.

I have deep concern about issues raised in recent months by demonstrations in the Armenian capital or Yerevan and other cities regarding the status of the Nagorno-Karabakh region of Azerbaijan. Reports surfaced last March of Mr. Gorbachev's decision to use militia and Army forces aganst demonstrators, and possibly to impose martial law in Armenia. Last week Mr. Gorbachev made it clear he intends to make no concessions to the Armenians. These reports have greatly disturbed me and many of my constituents of Armenian descent, and prompted me to write a letter to the Soviet General Secretary.

Armenian citizens of the Soviet Union who seek unification of Nagorno-Karabakh with the Armenian SSR have risen up for legitimate reasons that deserve the close consideration of the Soviet leaders. The appropriate response to the unrest, which included acts of murder and rape committed against numerous Armenians, is not a military clampdown against Armenians, but rather new policies that will give Armenians the legal recognition and protection they deserve.

The treatment of Armenians under the Ottoman Turkish empire is a legacy of terrible violence, discrimination, and disregard for the human rights of a proud people. The division of Armenia along arbitrary boundaries in 1923 was a policy implemented without adequate consideration for the national identity of Armenians.

At this time of newly constructive relations between the United States and the Soviet Union, with the implementation of the recently ratified INF Treaty, I believe Mr. Gorbachev should take whatever steps are necessary to be responsive to the grievances of his Armenian citizens. Increased respect for the human rights of ethnic minorities and dissidents in the Soviet Union is, in my view, an important prerequisite for further cooperation between our two governments on other issues.

I am pleased my colleagues have given their support to this important and timely amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. We are ready. We urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2690) was agreed to.

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

Mr. RUDMAN. 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 South Carolina.

Mr. HOLLINGS. Mr. President, is next the Gramm amendment?

Mr. RUDMAN. That is correct.

Mr. HOLLINGS. I hope you can get him here, and he is not on that slow train that we encountered last night?

I understand that the Senator is in a committee hearing and will be sought and will be, momentarily, on the floor. In the meantime 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. 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, the situation that one presently obtains is one in which the tail is wagging the dog. Committee meetings are keeping Senators who have amendments to offer on this bill from coming to the floor. In my judgment it is a little more important that the full Senate be allowed to do its work. We may have to start objecting to committee meetings and I may put in a live quorum if we do not get a Senator very shortly to call up his amendment. If I put in a live quorum that will get them over here, so I hope that works.

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. 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. The majority leader.

QUORUM CALL

Mr. BYRD. Mr. President, the Senate is marking time waiting on Senators to call up amendments. I am sorry to inconvenience Senators. The full Senate is being inconvenienced by the lack of action, and it is going to mean that we stay another day. So I will put in a quorum call. It will be a live quorum, and I hope Senators will bring up the remaining amendments.

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 and the following Senators entered the Chamber and answered to their names.

[QUORUM NO. 23]

Byrd	Hollings	Rudman
Dole	Reid	Shelby

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absentee Senators.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, 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. 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 Texas [Mr. BENTSEN] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—68

Adams	Fowler	Packwood
Baucus	Glenn	Pell
Bingaman	Gore	Pressler
Boren	Graham	Proxmire
Bradley	Grassley	Pryor
Breaux	Harkin	Reid
Bumpers	Hatfield	Riegle
Burdick	Heflin	Rockefeller
Byrd	Hollings	Roth
Chiles	Inouye	Rudman
Cochran	Johnston	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerry	Sasser
Danforth	Lautenberg	Shelby
Daschle	Leahy	Simon
DeConcini	Levin	Simpson
Dixon	Lugar	Stafford
Dodd	Matsunaga	Stennis
Dole	Melcher	Thurmond
Domenici	Mikulski	Trible
Durenberger	Mitchell	Warner
Exon	Moynihan	Wirth
Ford	Nunn	

NAYS—29

Armstrong	Hecht	Murkowski
Bond	Heinz	Nickles
Boschwitz	Helms	Quayle
Chafee	Humphrey	Specter
Cohen	Karnes	Stevens
D'Amato	Kassebaum	Symms
Evans	Kasten	Wallop
Garn	McCain	Weicker
Gramm	McClure	Wilson
Hatch	McConnell	

NOT VOTING—3

Bentsen	Biden	Metzenbaum

So the motion was agreed to.

The PRESIDING OFFICER (Mr. SHELBY). With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

AMENDMENT NO. 2691

(Purpose: to provide funding to meet U.S. obligations in support of U.N. security and peace-keeping activities)

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, Mr. EVANS, Mr. MOYNIHAN, Mr. SANFORD, and Mr. SIMON, proposes an amendment numbered 2691.

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:

SEC. 101. UNITED STATES SUPPORT FOR UNITED NATIONS SECURITY AND PEACEKEEPING ACTIVITIES.

(a) The Congress finds—

(1) The United Nations has had a vital role in mobilizing world opinion against the Soviet occupation of Afghanistan and in negotiating an agreement providing for a Soviet withdrawal from Afghanistan by March 15, 1989, thus permitting the people of that country to regain their freedom and independence;

(2) United Nations Security Council Resolution 598 has provided the framework for an agreement to end the Iran-Iraq war which has been the world's longest lasting and bloodiest conflict since World War II;

(3) United Nations sponsored negotiations now underway provide real hope for a peaceful settlement in Cyprus, thus ending the bifurcation of that island and a military occupation of fourteen years duration;

(4) The prospective United Nations role in administering the Western Sahara and conducting a referendum there provides a means for settling a thirteen year old war which has threatened the security of Morocco, an important United States ally; and

(5) United Nations peacekeeping forces will be instrumental to the implementation of prospective agreements providing for independence in Namibia and Vietnamese withdrawal from Cambodia.

(b) The Congress further finds that—

(1) The United Nations security and peacekeeping activities are in the vital national security interests of the United States;

(2) United Nations security and peacekeeping activities represent an unparalleled opportunity for resolution of major regional conflicts;

(3) The United Nations activities will save the United States hundreds of millions of dollars that otherwise would have to be spent in protecting U.S. interests in regions such as the Persian Gulf or in support of U.S. friends in Afghanistan, Angola, and Cambodia; and

(4) The United States therefore should support United Nations security and peacekeeping activities by paying its full assessed contributions to the United Nations and its proportionate share of peacekeeping activities.

SEC. 102. TRANSFER OF DEFENSE APPROPRIATIONS FOR U.N. PEACE-KEEPING AND SECURITY PURPOSES.

(a) In addition to any funds made available under this Act, the President shall transfer to the Department of State, from unobligated funds in the appropriations accounts specified in section 103, not less than $100,000,000 to meet U.S. obligations in support of the United Nations peace-keeping and security activities. Such transfer shall be made on an expedited basis in the first 30 days of the fiscal year.

SEC. 103. DEFENSE APPROPRIATIONS ACCOUNTS.

The appropriations accounts to which subsection 102 refers are non-ammunition procurement accounts in any of the following:

(1) funds appropriated for fiscal year 1988 and 1989 for Persian Gulf operations;

(2) the Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(3) the Department of Defense Appropriations Act, 1987, as contained in section 101(c) of the further continuing appropriations resolution for the fiscal year 1987 (Public Law 99-500 and 99-591); and

(4) the Department of Defense Appropriations Act, 1988, as contained in section

101(b) of the further continuing appropriations resolution for the fiscal year 1988 (Public Law 100-202).

Mr. PELL. Mr. President, what this amendment does can be explained very simply.

Mr. SIMON. Point of order, Mr. President. The Senate is not in order.

The PRESIDING OFFICER. If the Senator from Rhode Island will suspend, the Senator from Illinois is correct. The Senate is not in order. All Senators will take their seats. The Senator from Rhode Island is entitled to be heard on his amendment.

Mr. PELL. Mr. President, I thank the Chair.

This amendment is a very simple one to explain. It takes $100 million out of the Defense Department appropriations and moves it to the State Department for expenditure in support of U.N. activities and U.N. peace keeping. The reason for the amendment is that the United Nations in the last few months has moved a great deal along the way to be rewarded. It has had its reform. It has reached its consensus position on voting. It has engaged in peace-keeping operations and it has been successful in Afghanistan. It is moving in Cyprus. It is moving in other parts of the world. I think we find the United Nations coming back into its own after a rather dismal period of time when it was the last resort for most of us.

I would hope that this amendment could be accepted.

I yield the floor.

Mr. HOLLINGS. Mr. President, let us be serious here for a moment. The distinguished chairman of the Foreign Relations Committee whom we all know——

Mr. MOYNIHAN. Mr. President, I make a point of order that the Senate is not in order. We cannot hear the distinguished chairman.

The PRESIDING OFFICER. The Senate will be in order. If the Senator from South Carolina will suspend, Senators will clear the well and take their seats.

The Senator from South Carolina.

Mr. HOLLINGS. I thank the Chair.

Mr. President, we all have the greatest respect for our colleague, the chairman of the Foreign Relations Committee. But let us be serious for a moment because he said he would hope it could be accepted. We had an occasion here just momentarily to discuss this amendment. If this was the order of business, if this is the way we could do business, taking from the Defense Department $100 million and putting it over in my bill. I would have done it long ago. It would be a wonderful—in fact, I would not stop at $100 million. I have $1 billion or $2 billion in mind.

We have a drug bill, and probably the Congress will pass that in an orderly fashion. Perhaps it could be passed by what the distinguished Senator from Rhode Island wants in an orderly fashion because the United Nations has improved and everything else like that. It was he who was talking about authorization.

This is absolutely a violation of the budget summit agreement. It violates it. It violates rule XVI paragraph 8 of the Senate rules whereby you cannot transfer expended balances from one Department to another. And, of course, it would cause us to exceed our 302(b) allocation. It violates 302(b) in that it gives us $100 million more than we were allocated.

You see what the committee did was to give the full $489,906,000 requested for contributions to the international organizations which included $144 million for the United Nations.

The bill also includes $29 million requested for the peacekeeping forces in southern Lebanon and Golan Heights. We fully used the $3.788 billion allocated pursuant to the budget summit agreement through our 302(b) allocation for the category 150 foreign affairs section. Any increase in the bill total, of course, puts us in violation of the 302(b) of the Budget Act. The chairman of the Budget Committee, Senator CHILES, has already sent word confirming that and will support a point of order pursuant to section 302(f) of the Budget Act.

Last year, Mr. President, the administration belatedly requested our full U.N. assessment of $193,188,000 but the budget resolution that passed this body here only allowed us to recommend $416 million or 75 percent of the administration's request for the contributions to the international organizations.

We got together. We have not been unaware or incognizant. On the contrary, we have been in touch with Ambassador Walters. We negotiated with him. We worked out the $144 million that we included in the continuing resolution. But there is a $44 million holdback to comply with the Foreign Relations Authorization Act of the distinguished chairman of the Foreign Relations Committee, specifically, the provision under section 702 of the Authorization Act where the President is to report the progress made on reforms in the United Nations.

The President has not reported. So the United States has not been able to forward that sum of money. But what we are bound with here today where we were berated last night for not being authorized with respect to the TV Marti, we are now being beat on the head for complying with the authorization this morning, of the Foreign Relations Act and of violations of all these other provisions.

We could go into the merits of this. Apparently there is a news article, and 10 Senators jump up and get excited that nobody knows about the United Nations or Ambassador Walters.

I have talked with Ambassador Walters three times in the last few weeks because I was working with him on a solution to the hearing there that was the subject of the amendment of the distinguished Senator from Florida last evening. We need to keep the best personnel in New York. I am one of his admirers. I think we are doing a good job at the United Nations, and it does cost a lot to live in New York. I have been working with him hand in glove. We have in here the best we can do.

As was pointed out in the dialog last night, we are going to continue to work with Ambassador Walters on his amount. I do not want to cut off anybody on this score. We will have a conference on which point of order we want to make or motion to table.

I see that Senators want to be heard on it. I think I will have to raise the point of order on exceeding the 302(b) allocation for this bill; and if the Senate votes that down, I will move for $1 billion more, and I will join you. [Laughter.]

Mr. RUDMAN. Mr. President, the distinguished Senator from South Carolina has said it all.

The fact is that everybody recognizes that, in light of some of the current U.N. responsibilities, the funding in this bill is probably inadequate. The chairman agrees on that, and I agree on that.

Aside from the problems of the United Nations and the problems that a lot of people there make $150,000 a year, aside from the fact that many think some of the money is spent not in a prudent fashion, we can say that the United Nations needs money for the things it does and does well.

We are dealing with reality here. We are at our 302(b) allocation, No. 1. No. 2, we have done precisely what the budget summit—the leadership of this Congress—agreed to. We have put the defense number in, the discretionary number in, and the foreign operations number in.

The Senator from Rhode Island, the chairman of the Foreign Relations Committee, understandably, with his responsibilities, is unhappy with that, and so are a lot of people. I am unhappy about the money for the FBI. As Samuel Gompers said in the 1800's, we would like more, but we do not have it.

We are at the bottom of the barrel, and we have a whole arsenal of weapons to deal with. I leave it to the chairman's good discretion as to whether to table, raise a point of order, or whatever. This is not a good amendment, and it should be defeated overwhelmingly.

Mr. MOYNIHAN. Mr. President, I rise to support the amendment.

I say, first, that I fully understand the case made by the distinguished Senator from South Carolina and the distinguished Senator from New Hampshire that this amendment is in violation of one of our rules. The Senator from Rhode Island, the chairman of the Committee on Foreign Relations, knows that.

The Senator's amendment is an unusual and exceptional proposal because we are at an unusual and exceptional moment. It appears that the war between Iraq and Iran, the bloodiest war since World War II, may now come to an end. It appears that Iran is exhausted and that a decision by the Ayatollah Khomeini to ask for peace, an act which he said was comparable to his taking poison, was a decision more than to end the war. It signaled the end of an assertion about the whole of the Islamic world, which was profoundly unsettled. And in exactly that measure, the prospect of peace is profoundly reassuring.

If we have that peace, which is being negotiated at the United Nations in the context of Security Council Resolution 598, the United Nations will be asked to send a peacekeeping force.

What are peacekeeping forces? Do they keep the peace? Certainly, they cannot. But they can make clear, if the peace is broken, which party broke it. They are a plateglass window and there for the world to watch.

Peacekeeping is a role which some of the smaller nations in the world play with exemplary willingness. I think of Nigeria, a Third World country; Ireland, a neutral country. Those countries and others will be sending their troops to the Persian Gulf, in a situation where we will be withdrawing some of our fleet.

The costs of a U.N. peacekeeping mission will be trifling compared to the daily cost of deploying our fleet there, in terms of dollars and, quite possibly, in American sailors' lives.

If it turns out that the United States will not contribute—or cannot contribute—the equivalent to the peacekeeping force, the question is will there be one? The United States is withholding its funds, withholding its assent, and withholding its participation in the international decision. We do not want that to happen. Surely we do not need it to happen.

If the Secretary of State were in here talking, he would surely say he needs this money, he needs it now, he needs it in the context of the end of the bloodiest war in a generation. And recent events bring with them the prospect not just of peace, but also the end of the Iranian threat to the Islamic world.

Yes, it violates and is contrary to one of our rules, an orderly, sensible rule. But a rule, Mr. President, surely can be set aside in this situation of extraordinary opportunity.

This is an opportunity for us to contribute to a peacekeeping force which will permit us to withdraw much of our fleet and put an end to the most devastating war since World War II, the first war since World War I in which chemical weapons have been used.

I would simply say to the distinguished managers that, of course, we are asking that the rule be set aside, but we are asking that be done in the most exceptional of circumstances and for the most laudable of purposes.

Mr. President, I hope we might persuade the Senate of this. It is a rare occasion in which the chairman of the Foreign Relations Committee comes to the floor for such a purpose.

I would hope that we would acknowledge his authority in this matter and support him in this proposal.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we would be glad to talk with the distinguished Senator from New York who is interested in the dire emergency. We do not have an emergency supplemental bill any longer. We have dire emergency supplemental bills. That dire emergency supplemental bill was reported out of the House Appropriations Committee on yesterday. It will pass the House today. It will be on the desk here in the Senate probably by dark. That is on the way.

We do have a request from the Secretary of State. We have provided the full request for 1989. We have not heard a thing further. We are waiting to hear. We are anxious to hear, but we cannot change policy because—well, I will not make that comment.

Let me yield and let the others talk because we are ready to make the point of order, and I am sure that the distinguished Chair will sustain us.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President; I would hope somehow we can get something worked out. Technically there is no question the Senator from South Carolina is absolutely correct as is our colleague from New Hampshire, but it is also true we are at that special moment when finally we may achieve peace in the Persian Gulf.

And I do not want to have the United States be the reluctant partner that does not meet its responsibilities in that area.

I cannot tell you what is going to happen next month or 2 months from now in the Persian Gulf. But what we know is if we do not get this resolved and resolved quickly, more innocent lives, including more American lives, are going to be lost.

I see there is a huddle going on down in the well and down in the aisle there. I hope something can be worked out.

Clearly, we have a responsibility and we ought to meet that responsibility, and the rules of the Senate should not preclude our meeting that responsibility.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, while that huddle goes on, let me just state very bluntly and very openly that the United States is in the position of becoming one of the world's largest scofflaws or biggest deadbeats.

It is not a very happy position for us to be in as a nation when we refuse to support to the extent we are obligated to support the very organization which we hope will help us bring peace in not just one but a number of parts of the world.

We are already $65 million behind in our obligations to the U.N. peacekeeping forces. We are $467 million behind in paying past dues. And the failure of the United States to pay its budget has prevented the United Nations from replenishing its emergency reserves.

Mr. President, there is a long and growing list of peacekeeping operations which are current and which gives us a chance in 1988 of reaching further toward peace in many parts of the world than we have been able to do in a good many years.

Just listen to the list: We have or are on the verge of a peace in the Persian Gulf between Iran and Iraq. It is going to be imperative that the United Nations step in and offer a peacekeeping operation.

The Soviets are now withdrawing from Afghanistan and that, too, is under a U.N. program where they are being asked to take on international responsibility.

We have an agreement in principle in southern Africa. U.N. peacekeeping forces will be needed to oversee the withdrawal of South African troops and the withdrawal of Cuban troops from Angola.

There are growing possibilities of Vietnam's withdrawal from Cambodia, which once again will call on U.N. peacekeeping forces.

The U.N. peacekeeping forces may be needed to oversee a referendum on the future of the Western Sahara.

In half a dozen places throughout the world, today, now, right now, the United Nations is being asked by its individual and constituent member nations, including the United States, to take on responsibilities for which we are unwilling to pay.

And I guess the question, Mr. President, is a larger one than whether this is inside or outside of 302(b), whether it is inside or outside of a particular Senate rule. The fundamental question is if not here then where; if not now then when?

Before this Congress is over certainly and hopefully today or at an agreed-upon alternative we should

step forward, put up our dues or decide that we no longer want to be an active member of the United Nations and simply withdraw.

Those are the legitimate alternatives.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, lest anyone think that peace is breaking out all over the world and we are holding it back because of some technical rule, let me remind my colleagues that there is no rule against offering an amendment that will take part of this $15 billion in the Commerce, Justice, State appropriation bill before us and transfer it to this purpose. The rule is against milking the same old cow that gets milked every time some new cause comes along, and that is defense.

So if the distinguished chairman wants to take money out of Legal Services, which is overfunded from the agency's request by $58 million, there is no rule that prohibits him from doing that. The rule simply says we have agreed on what was going to defense and what was going to each of these other appropriations.

Now that peace is breaking out all over and these daisies are blooming all over the world, we want to come in and instead of taking money for the purposes that it was provided and reallocating it, people want to take the money out of defense. Well, let us not forget the source of this peace, since peace comes through strength and our capacity to keep Ivan back from the gate and to keep the world free depends on a strong and vibrant defense.

So I just want to remind my colleagues that if this is such a critical priority, why do you not take money away from one of these other 100 programs that are funded in this appropriation instead of going back to that weary old cow, trying to jerk that last pint of milk out?

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I understand my distinguished colleague, Mr. PELL, has a modification.

Mr. PELL. That is correct.

Mr. President, I ask unanimous consent to modify my amendment.

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

Mr. PELL. I ask that my amendment be modified by eliminating page 2.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

SEC. 101. UNITED STATES SUPPORT FOR UNITED NATIONS SECURITY AND PEACEKEEPING ACTIVITIES.

(a) The Congress finds—

(1) The United Nations has had a vital role in mobilizing world opinion against the Soviet occupation of Aghanistan and in negotiating an agreement providing for a Soviet withdrawal from Afghanistan by March 15, 1989, thus permitting the people of that country to regain their freedom and independence;

(2) United Nations Security Council Resolution 598 has provided the framework for an agreement to end the Iran-Iraq war which has been the world's longest lasting and bloodiest conflict since World War II;

(3) United Nations sponsored negotiations now underway provide real hope for a peaceful settlement in Cyprus, this ending the bifurcation of that island and a military occupation of fourteen years duration;

(4) The prospective United Nations role in administering the Western Sahara and conducting a referendum there provides a means for settling a thirteen year old war which has threatened the security of Morocco, an important United States ally; and

(5) United Nations peacekeeping forces will be instrumental to the implementation of prospective agreements providing for independence in Namibia and Vietnamese withdrawal from Cambodia.

(b) The Congress further finds that—

(1) The United Nations security and peacekeeping activities are in the vital national security interests of the United States;

(2) United Nations security and peacekeeping activities represent an unparalleled opportunity for resolution of major regional conflicts;

(3) The United Nations activities will save the United States hundreds of millions of dollars that otherwise would have to be spent in protecting U.S. interests in regions such as the Persian Gulf or in support of U.S. friends in Afghanistan, Angola, and Cambodia; and

(4) The United States therefore should support United Nations security and peacekeeping activities by paying its full assessed contributions to the United Nations and its proportionate share of peacekeeping activities.

Mr. PELL. Mr. President, I understand it is now acceptable to the managers of the bill and I urge its adoption.

Mr. HOLLINGS. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee. The amendment now is just section 101 and makes certain findings with respect to the responsibilities that we have, as outlined by the chairman, the Senator from Washington, the Senator from New York, the Senator from Illinois, and others. We are glad to support the amendment under this circumstance here of mere findings because those are our findings. We hope to work together when the dire emergency bill comes over to do our part for the peacekeeping force in the Iran-Iraq war. We are not opposing that or any other peacekeeping force, or paying our dues if we can find the money.

We are prepared to accept the amendment.

Mr. RUDMAN. Mr. President, that is precisely correct.

I would just point out that when we get a so-called urgent supplemental, under the rules of the Budget Act, as amended, we will have to find an offset. I expect we may be able to do that at that time, but it is going to be difficult. Because one has to recognize that in order to do it, as worthy as this cause is—and I certainly do not disagree—we are going to have to take it either from Defense or from the Commerce Department or from NOAA or from the Legal Services Corporation, which the Senator from Texas would like to do, or from a number of other programs. But each has its own constituency.

So I agree that this is a very good modification. I support it and hope that we can agree to the amendment.

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

The amendment (No. 2691), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2692

(Purpose: To increase the appropriation for the Drug Enforcement Administration and to reduce the appropriation for the Legal Services Corporation)

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 amendment.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. COCHRAN, and Mr. NICKLES, proposes an amendment numbered 2692.

Mr. GRAMM. 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 77, line 14, strike all after the words "as amended" through line 23 and insert in lieu thereof the following: "$250,000,000.

"Notwithstanding any other provision of this Act, the appropriation of the Drug Enforcement Administration shall be increased by $58,555,000."

Mr. GRAMM. Mr. President, the distinguished ranking member on the committee has just told us that we reached the bottom of the barrel; that we are having to make very tough decisions concerning budget priorities. He is obviously correct. In fact, the chairman of the committee and the ranking member have been among those who have forced the Congress to set priorities to run our business as any family or business enterprise in America would have to be run, and that is by setting priorities.

My objection to this bill is the way the priorities have been set. I would like to first note that, relative to the level of funding requested by the administration and by the agencies to carry out their mandate, this bill underfunds the Federal Bureau of Inves-

tigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, prison construction and, relative to the revised request, it overfunds programs such as the Legal Services Corporation.

Now, Mr. President, on many occasions we have debated the relative merits of all these programs and debated the particular merits of the Legal Services Corporation. In fact, only last year the distinguished Senator from New Hampshire enlightened us all and told us that, when all of these questionable practices occur in the Legal Services Corporation, the money is not really coming from the taxpayer; that that particular money they are spending for purposes like lobbying and the promotion of social causes, always comes from outside sources and not from the taxpayer. So that is not an issue here today.

What is at issue is this: When the Legal Services Corporation in its revised request for funding asks for $250 million to carry out its important mandate, should we increase that funding level by $58.6 million and, at the same time, cut funding relative to the request for DEA?

At a time when we face a war against those who are profiteering off the health and happiness and safety and sometimes lives of our children, I think it does not make any sense to be cutting the request for the Drug Enforcement Administration. I think, quite frankly, with the mandate that we are about to impose on that agency in the name of trying to win the war against illegal drugs, that the funding request that they made ought to be an absolute minimum and, in fact, the debate ought to be about increasing their funding to respond to the mandate that we are about to give them.

So this amendment, if adopted, will fund the Legal Services Corporation at the level requested by the agency in its modified submission. It will reflect the level requested by the President in his budget. The $58 million that has been added above the agency request will be transferred to DEA to fund our war on drugs.

Now, my distinguished colleagues here are about to point out that, although it is true that the Appropriations Committee cut funding for the war on drugs relative to what DEA and the President requested, the committee actually funded it above last year's level.

Well, it did fund DEA slightly above last year's level, but not enough above to buy the same services that were bought last year.

In fact, the actual current services' budget—which is a concept whereby you calculate what it would cost to provide the same DEA enforcement next year as we did this year—shows that after mandated pay increases and increases in costs incurred, DEA will have an actual reduction in its real budget given the level of funding being proposed here.

I have a great deal of respect for the chairman and ranking member of this committee, but I do not believe a real cut in the DEA budget, at a time when America is screaming out for help in a losing war against drugs, makes any sense whatsoever. I do not believe that it reflects the priorities of the U.S. Senate. And that is what this amendment is about.

We are always hearing talk about making hard choices. Well, this is an opportunity to make a choice that, in my opinion, is not so hard.

The Legal Services Corporation, in its revised request, asked for $250 million. This amendment gives it $250 million. What it also does is increases funding for DEA, to give that agency the money it asked for but did not receive and to give it the funding needed to carry on what we hope can become a successful war against drugs.

I want to tell my colleagues what DEA says that it is going to be forced to cut back if these funds are not provided. It is going to be unable to buy the aircraft needed for Latin American drug suppression efforts. It is going to have to postpone improvements in the El Paso Intelligence Center, where drug information from all over the world comes together, where we try to coordinate our effort that now involves the military and that involves over 15 Government agencies that try to put these drug thugs were they belong, which is behind bars and, for those who kill our law enforcement officers, to put them to death.

Finally, it will be forced to cut back in those areas that are producing Government seizures of drug assets. And since we are selling those assets, that is helping to fund the war on drugs.

In addition, if the current figure stands, it might be necessary to have a furlough program for employees for a certain number of days. I ask my colleagues: Is it your priority that we not undertake a program which DEA has asked for, to suppress drug production in Latin America? Is it your priority that we not improve the El Paso Intelligence Center, which is bringing together a multibillion dollar effort in our war on drugs? Is it not your priority to increase our effort to enhance our ability to seize drugs, and do we want potentially to have a furlough of DEA employees, all in the name of funding the Legal Services Corporation above its revised request?

Mr. President, unless my priorities as they relate to the American people are totally skewed, I do not believe for a minute that the U.S. Senate is in favor of cutting real funding for DEA, slashing its budgetary request, denying it the resources that it needs in order to carry out a successful war against what the public perceives to be the No. 1 problem in America.

I wish we had enough money to fund everything. Quite frankly, I think the amount would have to be a lot higher to justify the kind of add-on above the requested level we see here for the Legal Services Corporation. But we do not have that money so that is not relevant to the debate.

We are going to vote here in a minute. If you want to leave the money in Legal Services Corporation, above their revised request, and therefore deny DEA the funds it has requested to carry out a successful war on drugs, then you want to vote against the amendment.

If, on the other hand, you believe that it does not make sense to deny DEA aircraft for drug suppression, that it does not make sense to postpone improvements in the El Paso Intelligence Center at the very time we are committing more resources to the drug effort, if you do not think it makes sense to cut back on our seizure program, or if you do not think it makes sense to face the potential of furloughs, then I want to urge you to vote to adopt this amendment.

Mr. President, this is simply a choice of priorities. You may think the Legal Services Corporation is vitally important. You may think DEA is vitally important. But we are now down to a time to choose, given budget priorities. I hope my colleagues will ask themselves what their constituents think represent the real priorities that the Senate should have.

I believe we ought to fund DEA and that we ought to make this reasonable, appropriate and conservative transfer. I yield the floor and reserve the balance of my time.

The PRESIDING OFFICER. The Senator from New Hampshire. Who yields time?

Mr. RUDMAN. I believe we have on this side approximately a half-hour and I yield myself as much time as I would like.

The PRESIDING OFFICER. The Senator from South Carolina has 20 minutes—30 minutes on one side and 20 minutes on the other.

The Senator from South Carolina controls the time. He has 30 minutes.

Mr. RUDMAN. Parliamentary inquiry, Mr. President. It is my understanding that this unanimous-consent agreement allowed 1 hour equally divided, 30 minutes a side. Is the Senator from New Hampshire correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. I yield such time as is necessary to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. I thank the Chair.

Mr. President, once a year my friend from Texas, it seems to me, has a lapse from his usually superb judgment and brings this type of amendment to the floor. We agree on almost everything.

As a matter of fact, it is kind of ironic that the three Senators handling this particular amendment are GRAMM, RUDMAN, HOLLINGS, who tend to work together on most things and most times.

The Senator from Texas is a past master at setting up straw men and then knocking them down and he has just given us a good example of that, setting up all of these horrible things happening within DEA and then pointing out Legal Services should have a lesser priority.

I, of course, would agree that Legal Services should have a lesser priority than the fighting of drugs in this country. But then I would have to agree with the Senator from Texas that we are not doing much for DEA and that just happens to be just plain false. Let me point out that since fiscal year 1981, DEA's appropriation has gone up 133 percent, from $216 million to $503 million this year.

I would also point out that there are $64 million additional in the drug package that is assigned to DEA. And this subcommittee works extensively with the leadership of the Drug Enforcement Administration, and I think the chairman would support me when I say that we work closely with them, and we have funded, realistically, their requests.

Before this year is over and a drug bill is passed, DEA will have what it needs that it can use efficiently. I am sure the Senator from Texas would be the first one to agree with me if you give an agency too much money too fast, they do not use it efficiently, and we have seen some examples of that, which is what a certain piece of legislation the Senator from Texas, the Senator from South Carolina, and the Senator from New Hampshire jointly sponsored in 1985 was all about.

Let me make a couple of observations about Legal Services Corporation. First, most of the kinds of problems that the Senator from Texas has been concerned about in that agency I shared. And from 1981 until this moment, many, if not all, have been rectified. It might interest the Senator from Texas to know that 95 percent of the dollars that we appropriated last year to the Legal Services Corporation went for the representation of poor people in the normal everyday kind of court case that poor people needed help in, whether it be income security, landlord-tenant, disability cases—all sorts of problems that poor people in this country endure more than the middle class.

Legal Services spent 95 percent of that money for those purposes and I am sure the Senator from Texas will be the first to agree that in America all people are entitled to justice. And without representation in this court system of America, you cannot have justice. And justice denied is surely not justice at all.

Let me talk about the Legal Services Corporation's requests. Let us come into the real world. We all know that the Legal Services Corporation Board, an 11-member Board, has been split 6 to 5 for the last several years. We know there are six members of that Board who really, Mr. President, do not believe in the Legal Services Corporation. They are on record as saying that they believe that a whole range of things would be better for poor people than Legal Services Corporation.

The new president of Legal Services Corporation, who has recently been interviewed by Legal Times, who was handpicked to replace another handpicked president of Legal Services Corporation, picked by the same six-member majority but somehow could not live up to their expectations and was asked to leave; the new president is quoted that one of his first priorities would be to reduce the funding for the Legal Services Corporation.

I wonder, Mr. President, what would happen if a corporation brought in a board of directors, elected a new president, and the president of the corporation said publicly that his first priority would be to try to impair the efficiency, cut down on the delivery of services of that corporation? Obviously, what we had in this corporation for the last 5 years has been, essentially, a war between those in this country who believe in legal services for the poor and a board that is supposed to run that corporation, but has done more to run it into the ground than it has to run the corporation in any positive way.

So, I am simply going to say that I think the Senator from Texas, who knows, probably, as much about current services budgets as anyone—I would just make an observation to the Senator from Texas. In 1981, the appropriation for Legal Services Corporation was $321 million. It has been cut over the years in real terms and in fiscal terms. This year we are up to $308 million.

In terms of current services, doing a quick calculation, it seems to me that what we are doing is giving Legal Services Corporation about 60 percent of the money in 1988, in real terms, that they had in 1981. So, no one can say we have given it a high priority. If we gave it a high priority, we would have allocated about $440 million to bring it in a current service position that would equal its 1981 figures.

So, Mr. President, let me just make it clear to our colleagues who are watching that, No. 1, we have not underfunded DEA; No. 2, there will be an additional $64 million for DEA; No. 3, the current Board of Legal Services Corporation that brought this request forth does not believe in the Legal Services Corporation, and by their act and their deed over the last 5 years they have proven that overwhelmingly. And, finally, Mr. President, let us here in the U.S. Senate agree on one thing: that poor people in America are entitled to representation to enjoy the fruits of our system of government. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield myself just a few minutes. By way of emphasis, DEA has been increased since 1981, 135 percent. Legal Services, if the bill is approved and the Gramm amendment is rejected, will still represent a 4-percent cut.

We have been systematically increasing the DEA up, up, and away. It is really not the DEA, Mr. President. My distinguished colleague from Texas is very clever. He picks out a popular thing at the moment. It was crop insurance before; transferring money to crop insurance. In DEA, he knows what is popular at the moment. Any way he can gut legal services he stands to gut it and transfer the money over.

We have drug caucuses, or "cauci," whatever the plural is. We will come in and appropriate billions in a little while for drug enforcement. In fact, yesterday the House Appropriations Committee added $2.6 billion over on the House side for drugs. We are going forward on the drug problem.

I can say right now, if the amendment of the Senator from Texas is taken, they will all turn to drugs. The poor have been denied. We are not doing the job. This job was started back under Justice Lewis Powell when he was lawyer Lewis Powell and president of the American Bar Association. I have had to fight for legal services over the past 15 years.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the American Bar Association and a letter from one of the outstanding attorneys in my own back yard, Armand Derfner.

There being no objection, the letters were ordered to be printed in the Record, as follows:

AMERICAN BAR ASSOCIATION,
Washington, DC, July 13, 1988.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We understand that during Senate floor consideration of H.R. 4782, fiscal year 1989 Appropriations for Commerce, Justice, State, the Judiciary and Related Agencies, an amendment may be offered to reduce the appropriation for the Legal Services Corporation by $58.5 million and increase the appropriation for the Drug Enforcement Administration by that same amount. The American Bar Association

strongly opposes this amendment and urges its defeat.

Opponents of the Legal Services Corporation have regularly sought to undercut its effectiveness by offering proposals to further reduce its funding. Frequently the proposals take the form of suggestions to transfer Corporation funds to another attractive program—e.g., to crop insurance two years ago, or to the DEA now. The Senate has repeatedly rejected such proposals in the past and should do so now.

The Legal Services Corporation is an effective, efficient mechanism for ensuring access to the justice system for the nation's poorest citizens. The program's proposed funding level, $308.555 million, or 1 percent above current level, represents the first funding increase for the program in four years and leaves it roughly 40 percent below its fiscal year 1981 level, as adjusted for inflation. The federal investment to ensure access to the legal system for the poor is less than $10 per poor person. Even with this modest federal contribution, the free legal services contributed by over 100,000 lawyers, and funding from other sources, the Corporation's beleaguered grantees are able to meet only about one-fifth of the legal needs of the poor. Further cuts would have a devasting effect on the ability of these programs to supply legal services to the poor.

By making the legal system work for the poor, we are enabling them to resolve, through conventional legal means, problems which might otherwise require public assistance or intervention. We urge your colleagues to reject any effort to reduce the funding for the Legal Services Corporation.

Sincerely,

ROBERT D. EVANS.

MCCLAIN & DERFNER,
Charleston, SC, March 3, 1988.

Re Legal Services Corporation.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR HOLLINGS: I am writing to urge that the "back-up" centers be preserved and funded adequately within the Legal Services Corporation.

Last year I took on a pro bono matter on behalf of a woman who needed a liver transplant but who was unable to get one because of our State's unwillingness to treat the cost as covered under Medicaid. Because of my inexperience with the complex federal regulations, I asked for help from our local legal services program (Neighborhood Legal Assistance Program), and we both then turned to the statewide back-up center in Columbia (South Carolina Legal Services Association). With the help of these programs, we helped a group of physicians persuade the State agency to change its policy and make it possible for this eligible client to obtain a liver transplant.

As a private practitioner, I am often faced with pro bono cases, like this one, that require specialized knowledge I don't have. If not for the legal services lawyers in the back-up center and the local program I would not have been able to do anything, but because they were there to help, we were able together to do important work for a deserving person and for many others.

I hope you will not only preserve but strengthen the back-up centers and the legal services program in general.

Sincerely,

ARMAND DERFNER.

Mr. HOLLINGS. The American Bar Association opposes this amendment. The old-time lawyers doing pro bono work oppose it. They know of the wonderful good the Legal Services Program does under the most trying conditions. Actually it is a 4-percent cut after 8 years so we are still down; we have not gotten back to where we were.

This is just an attempt to decimate this particular program. It is not to help drugs; it is to deny the poor.

On that basis, we are ready to have an up-or-down vote. I was bemused by the Senator talking about a tabling motion. We will give him an up-or-down vote. We think Senators will see through this particular sham about "Let's help drugs." Let us not go off on that drug of an argument. I can tell you right now, they are not trying to help drugs. When they went to crop insurance, they were trying to get at Legal Services. That is exactly what he is trying to do.

We have this exercise every year. I hope next year it will be law enforcement or maybe the budget deficit that he and I both agree on.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I always enjoy debating my good friends and colleagues here. Before we close the debate, I would just like to go over the facts. I think it is clear that there is a difference here about the Legal Services Corporation. Our distinguished colleague from New Hampshire does not like the way the Legal Services Corporation is being run. He does not agree with the majority on the board. It is a perfectly legitimate issue, but that is not the issue here.

I do not understand how somebody can say I am gutting the Legal Services Corporation by proposing that we fund it at the level that the majority of the members of the Board of the Legal Services Corporation requested. I never heard of giving people what they ask for being called gutting a program.

Obviously, if you do not agree with the way the Board is running the Corporation, if you want them to do things they are not doing, then you might view that as gutting it. But I do not think most people who are just looking at the argument from the outside would conclude that.

I also do not understand how trying to pare back on spending is necessarily equated with impairing efficiency. In fact, people are brought in to run American corporations every day who have the job of paring back spending to try to promote efficiency. Efficiency can be promoted with less money as well as it can be promoted with more money. In fact, the whole definition of efficiency is what you are getting relative to what you are spending.

The sad reality is that this bill cuts the funding for DEA $34.8 million below the level that the DEA said it needed to carry out its mandate, before anybody ever mentioned this omnibus drug bill that will soon come before us. This appropriation cuts funding for DEA $34.8 million below the level it requested. It cuts funding for the FBI below the level of the request. It cuts funding for INS below the level of the request. And at the same time the Governor of Massachusetts, Michael Dukakis, is putting out on weekend furloughs murderers who go out and rape and kill people, we are cutting back on the funding requested to construct prisons where we can put people away and keep them there where they belong.

I know there is a dispute about Legal Services, and I know there is great affection in the heart of my distinguished colleague from New Hampshire for Legal Services, and I know the size of his heart and count affection for me as part of that heart.

But, Mr. President, the request here is one of priorities. This bill cuts funding for DEA below the level it says it needs. If we maintain this level of funding, DEA says it is going to not get the aircraft it needs to spray dope in the fields and kill it before it can kill our children. It says it is going to have to postpone improving the intelligence program that brings all these agencies together, and that does not make any sense.

I urge my colleagues to make a choice, and it is not a cruel and inhumane choice. We are not killing the Legal Services Corporation. We are cutting its funding back to its request so that we can raise DEA up above its request. I do not think that is unreasonable. That is what we are here to do: set priorities.

Is overfunding Legal Services more important than funding DEA to do something the American people believe is critical? I think this amendment should be adopted, and I urge my colleagues to vote for it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. I will be very brief, Mr. President. I believe we will be ready to yield back time and then go to a vote on the Senator's amendment.

Let me say, the Senator from Texas sounds like he makes a compelling argument about the DEA funding, but the fact is the Senator from Texas, who has been a leader in the fight against Federal spending, would agree with this Senator that if we were to honor the request of every Federal agency at the level that they request, then we would have a Federal budget probably $250 billion higher than we are now. It would be up in the $1.3 trillion area.

The fact is that we always examine these budgets in terms of fiscal realties. As a practical matter, that is not

really important here because the priority of the Drug Program has been recognized, and before this year is out, DEA will have about $33 million more for its program than it originally requested. I seriously question whether or not that is a proper amount of money in terms of efficiency of expenditure.

I think we have learned over the last few years if we throw too much money at a problem too quickly, we see some of it dropping off the edges. We have seen this in this Government, and we do not like it.

Let me finally say, Mr. President, the Senator from Texas is quite right that I have some affection for the Legal Services Corporation, as well as great affection for the Senator from Texas. That affection comes out of years as attorney general of the State of New Hampshire and seeing the plight of poor people in terrible kinds of problems with no one to turn to and they turn to young lawyers, young men and women who would take a matter for them and keep them and their families from being thrown in the street, from being denied food and having things done to them that should not happen in America in a system where everybody at least ought to exert their legal rights.

In a country of 200 million plus, we will spend this year $308 million so that poor people who have a legal case may bring that case before the bar of justice.

That is what makes America so different. They do not have a Legal Services Corporation in the Soviet Union. They do not have a Legal Services Corporation in most of the Middle Eastern states which deny human rights. They do not have a Legal Services Corporation in Afghanistan. The thing that makes America different is that every American has a system of justice to which he can appeal. That is how we define human rights in America. We do not spend too much money on legal services for the poor in America. We spend too little.

I yield the floor.

Mr. HELMS. Mr. President, the problem we are addressing today focuses on priorities. We need to increase our efforts to fight drugs, not reduce them. We do not need a Legal Services Corporation [LSC] that abuses its power and wastes money. This amendment transfers funds from the LSC to the DEA to help them in their fight on drugs. But the real problem is with the activities of the LSC.

Farmers throughout North Carolina are being harassed by lawsuits brought by Legal Service attorneys on behalf of farmworkers. These suits cost growers tens, if not hundreds, of thousands of dollars.

These lawsuits have cost the growers the chance to expand their operations. In a few unfortunate instances, these suits have driven the growers out of business. I do not need underscore the economic state of the Nation's agriculture. This is certainly not the time to be adding to their financial burden.

Growers have told me that more often than not, these suits are baseless. Frequently the farmer has passed all inspections and reviews by the Department of Labor and State inspectors. In the majority of the rest of the cases, the charges involve minor infractions of the law which would be far better resolved through negotiation or mediation, rather than time-consuming lawsuits.

In fact, it is clear to me that the vast majority of these suits do little to benefit farmworkers. It is pure harrassment that must be stopped. These frivolous lawsuits are just one example of wasted LSC funds.

The Legal Services Corporation has syphoned off funds for national and State support centers that consume over $16 million a year, without producing direct benefits to the people the Congress has vowed to serve. Today, Legal Services Corporation funds 17 national, and 67 State, support centers, in addition to hundreds of private local organizations.

These support centers engage in liberal social reform, in lobbying, fundraising, and social-engineering, while their duty of providing research, information, and training to the field programs is neglected.

These federally funded support centers were set up to provide research in special areas such as migrant issues, domestic issues, and proverty or welfare issues. But the information gathered by the support centers is usually used for liberal political purposes.

It is obvious that the present system is not efficient nor economic. The support centers are consuming millions of dollars that could be better spent resolving individual cases.

The time has come to reevaluate our priorities and to allocate our resources in a responsible manner. I strongly urge the Senate to defund these wasteful support centers and reinvest the time and money into our fight against drugs.

Mr. DECONCINI. Mr. President, I am going to vote against the Gramm amendment to H.R. 4782, the Commerce, Justice, State, and Judiciary appropriations bill. The Gramm amendment would take $58.5 million from the Legal Services Corporation and add it to the appropriation for the Drug Enforcement Administration. I believe that the appropriation for the DEA should be increased and will be increased. However, I do not believe that the amendment offered by Senator GRAMM is the proper way to go about achieving the necessary increase in DEA funding.

The appropriation level in H.R. 4872, for the DEA is $503,219,000. The budget estimate is $538,072,000, or $34,853,000 more than the appropriation. This shortfall is to be made up in two ways. First, the House Appropriations Committee has approved a supplemental appropriations bill which contains $38.9 million for the DEA. Ths money will be available in both fiscal year 1988 and fiscal year 1989. Second, the Senate is working on a bipartisan drug bill which will contain additional money for DEA. The Democratic and Republican task forces putting together the drug bill have agreed on including $64 million for the DEA. These mechanisms are the proper way to increase DEA funding without decimating another important Government agency.

I have long supported DEA and its vital mission. I have consistently voted for increased funding and resources for the DEA. I believe that the DEA should be strengthened and given the funds that it needs to accomplish what Congress has given it to do.

I have also long supported the Legal Services Corporation and its vital mission. The poor of this country deserve and have a right to legal representation. I appreciate the efforts of bar associations and individual attorneys across the country to provide pro bono legal services and I encourage them to do more. I do not believe, however, that these private efforts are adequate on their own. I have worked closely with the Legal Services Corporation in my own State of Arizona and I know what a good job it does. I want it to be able to continue this good work. I want it to be able to continue to protect the rights of the poor and disadvantaged. The funds that this amendment would cut from Legal Services would severely restrict the Legal Services Corporation's ability to provide these necessary services.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I do not know if it is possible for me, with my distinguished colleague, to get the last word, but I will try to be brief.

Our distinguished colleagues have made the point that since 1981 the DEA budget has grown by 135 percent, and that is true. But is there anybody here who does not think the drug problem has more than doubled since 1981? Is there anybody here who thinks we are winning the war on drugs? I remind my colleagues that, despite all this talk about Legal Services, I am not talking about eliminating the Legal Services Corporation. I am talking about funding it at the level at which the majority of the members of its own board voted to request funding. All I want to do is fund DEA at the level at which it said it wanted to be funded.

I think we are again down to priorities. My distinguished colleague talks about throwing money at a problem. All I am trying to do, however, is change the budget to reflect the priorities that were set by the agencies themselves. Somehow, funding that approaches DEA's request is throwing money at a problem, but funding Legal Services $58 million above its request is not.

So I hope my colleagues, though they may be swayed, as is my colleague from New Hampshire, by the importance of Legal Services, will remember that this amendment funds Legal Services at its requested level. It also tries to fund DEA at its requested level.

I ask my colleagues to look at the problem we face in drugs and to vote for this amendment.

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

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

The yeas and nays were ordered.

Mr. RUDMAN. Mr. President, I believe the chairman says he is ready to yield back our time on this side.

Mr. HOLLINGS. Is the Senator ready?

Mr. GRAMM. Go ahead.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

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 Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

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

The result was announced—yeas 28, nays 66, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—28

Bond	Humphrey	Roth
Byrd	Karnes	Simpson
Cochran	Kasten	Symms
D'Amato	Lugar	Thurmond
Garn	McClure	Trible
Gramm	McConnell	Wallop
Grassley	Murkowski	Warner
Hatch	Nickles	Wilson
Hecht	Pressler	
Helms	Quayle	

NAYS—66

Adams	Boschwitz	Bumpers
Baucus	Bradley	Burdick
Bingaman	Breaux	Chafee
Chiles	Harkin	Nunn
Cohen	Hatfield	Packwood
Conrad	Heflin	Pell
Cranston	Heinz	Proxmire
Danforth	Hollings	Pryor
Daschle	Inouye	Reid
DeConcini	Johnston	Riegle
Dixon	Kassebaum	Rockefeller
Dodd	Kennedy	Rudman
Dole	Kerry	Sanford
Domenici	Lautenberg	Sarbanes
Durenberger	Leahy	Sasser
Evans	Levin	Shelby
Exon	Matsunaga	Simon
Ford	McCain	Specter
Fowler	Melcher	Stennis
Glenn	Mikulski	Stevens
Gore	Mitchell	Weicker
Graham	Moynihan	Wirth

NOT VOTING—6

Armstrong	Biden	Metzenbaum
Bentsen	Boren	Stafford

So the amendment (No. 2692) was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator is not in order. The Senate will come to order. Senators will take their seats and clear the well.

THE NEED FOR A NORTHERN CALIFORNIA EXPORT ASSISTANCE CENTER

Mr. CRANSTON. Mr. President, in 1986 I introduced legislation authorizing the Department of Commerce to open a Western Regional Export Licensing Office. Similar language was included in the omnibus trade bill last year. Under the leadership of Under Secretary Paul Freedenberg, the Commerce Department proceeded with a plan to open offices throughout the Nation in areas of high-technology concentration. I was pleased to attend the grand opening of the first office last month in Newport Beach, CA.

Mr. President, I introduced my bill because of the number of high-tech exporters in the West and the disadvantages they face due to their distance from Washington. More than one-quarter of all requests for export licenses come from the State of California. With the Pacific rim as the fastest growing market for high-tech exports, it is only logical to place export administration officials in the West, where the exporters are.

The office in Newport Beach is less than 2 months old, yet the demand for its services has been overwhelming—by far surpassing anyone's expectations. Congressman LES AUCOIN, of Oregon, recently received a letter from Under Secretary Freedenberg discussing the Newport Beach office. I will ask unanimous consent that the complete text of that letter be printed at the conclusion of my statement.

The bill before us today includes $1 million for additional export assistance centers. Although I firmly believe more is needed for this function—and that the cost is more than made up in increased exports—I commend my colleagues on the committee for recognizing this important function. I am concerned however, that northern California, which has one of the largest concentration of high-technology firms in the Nation is not mentioned by the committee. Northern California accounts for approximately 12,000 export license applications a year—more than the combined total of 35 States—with exports valued at over $16 billion.

As the letter to Congressman AUCOIN indicates, the Newport Beach office is receiving over 200 calls a day, 40 percent of which have been from northern California. This was before any outreach efforts by the Commerce Department. It is clear, Mr. President, that there is a need for an export assistance center in northern California and I urge my colleagues who will be on the conference to appropriate funds for such an office.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

DEPARTMENT OF COMMERCE,
Washington, DC, July 26, 1988.

Hon. LES AUCOIN,
House of Representatives,
Washington, DC.

DEAR LES: Thank you for your letter concerning the Bureau of Export Administration's (BXA) new ofice in Orange County, California.

The response to this Western Regional Office has been beyond our expectations. In the first six weeks of operation, the office has received well over 200 inquiries per day, and we have had over 200 exporters visit the office. The demand for licensing information on the part of the business community has been overwhelming and, at times, more than we can handle. This is especially true given the fact that the above mentioned public response was prior to our mailing notices to over 8,000 firms in the Western export community to inform them of the BXA services now available to them on the West Coast.

You inquired about workload and the staffing of the office. We currently have eight full-time employees. In addition, we have three BXA professionals on detail from Washington to help meet the demand from the business community. The use of detailees has temporarily increased the upfront cost of operating the office but is more than offset by the immediate provision of services to the export community. We have two new employees currently being trained in Washington, and they should join our staff in September. In order to keep up with the demand, our personnel in the Western Regional Office have been working an average of ten hours a week in overtime.

Approximately half of the calls we receive have been for assistance in interpreting the export regulations. Assistance in determining commodity classifications is running a close second. The third major grouping of requests are from new-to-export companies who want to know if they need an export license and how to obtain one. This number is

encouraging for our trade balance because it shows more companies are getting involved in exporting. These callers also tend to need more in-depth counseling which puts an additional drain on our resources.

Export outreach will be an important part of the Western Regional Office, resources permitting. To date, in the Los Angeles area, we have conducted demonstrations of the new electronic licensing system and briefings on regulatory changes for hundreds of exporters. As a result of these outreach efforts, many firms are taking steps to submit their license applications electronically to Washington. This will reduce the paperwork workload on our headquarters staff and improve further the efficiency of our licensing operation.

You asked if we can identify the source of calls to the new office. Based on a study of incoming calls, we are currently receiving 40 percent of our inquiries from the Southern California area. Approximately 40 percent are from Northern California, specifically the San Jose, Santa Clara and San Francisco area; and 20 percent from Oregon, Washington, and other states in the Western Region. The percentage of calls from outside the Southern California area is growing dramactically as exporters become aware of the Western Regional Office.

Thank you for your continuing interest in helping the U.S. export community and the Bureau of Export Administration.

With warm regards.

Sincerely,

PAUL FREEDENBERG.

FUNDING FOR TV MARTI

Mr. LAUTENBERG. Mr. President, I rise in support of the $7.5 million contained in this bill for TV Marti, and urge my colleagues to defeat any amendments to slow or halt this funding. As a member of the Commerce-Justice-State Appropriations Subcommittee, I was pleased to join the chairman in including this funding in the bill. Named after the Cuban patriot, Jose Marti, TV Marti will complement the Radio Marti Program, and it will also be administered by the U.S. Information Agency.

Last year, Congress mandated that the Advisory Board for Radio Broadcasting to Cuba report on the feasibility and cost of a United States Government television service to Cuba. That report concluded that creation of a United States Government television service to Cuba, or "Television Marti" would be an appropriate action, since the Cuban Government began regular transmission of television programming that can be received along the east coast of the United States. Moreover, the success of Radio Marti in providing information to Cuba not readily available to Cubans bodes well for TV Marti.

The fact that about 90 percent of Cubans have access to a television set, and that recent studies show that TV Marti would reach an even wider audience than Radio Marti, especially young people, indicate that TV Marti would be a great success.

Mr. President, some have argued that the establishment of TV Marti will cause Castro to retaliate against our U.S. broadcasting. However, we must remember that the United States is only responding in kind by establishing this service. Regular Cuban satellite transmissions to the United States are sent for 3 hours daily on Fridays, Saturdays, and Sundays. They have been occurring since July 1986, and the director of Cuban television has announced plans to expand these broadcasts to 8 hours daily. As people who value free speech, we should not shrink from presenting our side of the debate to the Cuban people through the use of public diplomacy.

I do not believe that Castro is likely to retaliate by interfering with U.S. television broadcasters. During debate on the creation of Radio Marti years ago, Castro threatened to start a radio war by deliberately interfering with U.S. commercial broadcasters. But, since Radio Marti has been on the air, Cuba has not interfered with any radio broadcasts.

Moreover, Castro cannot jam the TV signal easily and therefore make TV Marti a costly and ineffective enterprise. While local jamming inside Cuba could affect TV Marti's coverage area, TV Marti can respond by boosting signal strength and broadcasting on alternative frequencies. Moreover, Castro would harm his own public image inside Cuba by jamming.

TV Marti will not interfere with existing Cuban or American stations. TV Marti will broadcast only on available frequencies on the Cuban dial, and there are many. By using a nightly directional antenna, there will be virtually no leakage of the signal into U.S. territory. Furthermore, no U.S. stations in the area now use the intended frequencies. Thus, TV Marti cannot lower the size of service areas enjoyed by private broadcasters over the public airways.

Mr. President, through his rhetoric and his actions, Castro promotes anti-American sentiment throughout the world. Establishing TV Marti will help make Castro accountable to the Cuban people for his unsuccessful foreign adventures, and depressed economic conditions on the island.

The better informed the Cuban people, the better chance they have to overcome Castro's totalitarian regime. TV Marti will make a real contribution to that effort, and is thus worthy of our support. As the saying goes, a picture is worth a thousand words; and a television picture just might be worth a million.

Mr. WEICKER. Mr. President, I rise today, during debate on the Commerce Appropriations bill, not to offer an amendment, but to bring to the Senate's attention a matter of the utmost concern.

I am referring to the continued ocean dumping of municipal sewage sludge off the coast of New England. You may wonder how this relates to the Commerce bill. It relates because the Department of Commerce houses the National Oceanic and Atmospheric Administration, this country's lead agency for research and management of our ocean and coastal waters. NOAA carries out numerous research programs critical to the wise management of our marine resources, several of which relate to ocean dumping.

Now some of my colleagues may subscribe to the old adage "out of sight, out of mind." After all, the current sludge dumping site is 106 miles offshore. For the people who spend a good portion of their lives working the waters around the dumpsite, however, there is an entirely different perception. I would also observe that the residents of my State, and judging from recent cover stories in national news magazines, the residents of the entire country, are by no means unaware of the disturbing problems of ocean dumping.

Sludge dumping at the 106-mile site didn't begin until April 1986. That's just a little over 2 years ago now, yet already fishermen say that they are seeing very disturbing signs. In a recent article in the New York Times, fishermen reported catching fish with fin-rot disease and lobsters and crabs with a disease that burns holes through their shells. The area where these symptoms are being observed was thought to be pristine before the onset of sludge dumping at the 106-mile site, but unfortunately both of these diseases are classic indicators of pollution.

One of the most disturbing points raised by these reports is that while we are allowing the dumping to continue, we don't have anyone who can tell us if the fish and shellfish diseases are in fact related to the dumping. I know that may sound absurd, but committees in the House and Senate have held hearings on this issue and, while expert witnesses will acknowledge that these reports are anomalous for the area, they say the disease cannot be unquestionably correlated with the dumping.

I think a reasonable person would conclude that dumping must be involved. I also feel that the burden of proof should be on the dumper, not on the permitting agency. But until these arguments are resolved the most important thing for us to do is to get the scientific documentation we need of what the impact of ocean dumping is on the marine environment.

To this end, my colleagues and I have included funds in the Commerce bill to carry out targeted research in and around the ocean dumping site. We have provided funding for NOAA to enhance both surface and subsurface studies on the impact of ocean dumping.

The undersea, or in situ, studies will be carried out through NOAA's National Undersea Research Program at the University of Connecticut. This program is NOAA's regional center for undersea research off the northern Atlantic coast. The surface work will be undertaken by the National Marine Fisheries Service facility in Sandy Hook, NJ.

Research at the University of Connecticut has already begun with a series of submarine dives earlier this month, and further dives are planned for mid-August. With the funding provided in the bill before us today they intend to continue a program of direct observation of the impacted areas beneath the dumpsite as well as biological and physical sampling.

Senators may be aware of the legislation introduced by Senator LAUTENBERG, S. 2030, the Ocean Dumping Reform Act, which would completely end the ocean disposal of sewage sludge by December 31, 1991. Regardless of whether that legislation passes, and I sincerely hope that it does, the research we are supporting today must continue. It must continue because we cannot become complacent about ocean dumping. If research shows that dumping is as devastating as some suspect, we will have to consider even more drastic action than that proposed in S. 2030.

Mr. President, there have been several poorly understood incidents of diseased or dying marine life over the last few years. These include the die off of sea urchins in the Caribbean, unprecedented numbers of porpoise and whale deaths off of New England, the bleaching of coral reefs across the Caribbean, and the many localized fish kills in estuaries up and down the Atlantic coast. These events all tell us that the marine environment is under severe stress.

I would ask all of my colleagues to support the provisions of the legislation before us today which seek to improve our limited knowledge of the marine environment and of the ways in which we affect it through ocean dumping.

Mr. HOLLINGS. Mr. President, in the early 1970's the Federal Communications Commission adopted a policy of awarding preferences to minority applicants for new broadcast stations. The FCC concluded that the promotion of minority ownership of broadcast stations would expand program diversity, since it was assumed that minority ownership would affect content diversity. In 1974, the D.C. Court of Appeals affirmed the FCC's decision in *TV 9, Inc.* v. *FCC*, 495 F. 2d 929 (D.C. Cir. 1973) cert. denied 419 U.S. 986 (1974). In 1978, this policy was extended to include women. *See Mid-Florida Television Corp.*, 69 FCC 2d 607 (Rev. Bd. 1978). Subsequently the FCC adopted two other policies designed to promote minority ownership: the distress sale policy and the tax certificate policy. Finally, in 1982 in adopting provisions permitting certain broadcast licenses to be awarded by lottery, Congress included a provision designed to promote minority ownership in the lottery statute.

In 1986, the FCC questioned the constitutionality of these policies because it felt that constitutional precedent does not allow racial or gender classifications to be based on the mere assumption that minority/female ownership will result in increased content diversity. To ensure that the FCC does not eliminate these policies, the legislation before us today prohibits the Commission from eliminating the policies designed to promote the ownership of stations by women and minorities.

On June 29, 1988, the Congressional Research Service released a report titled "Minority Broadcast Station Ownership and Broadcast Programming: Is There a Nexus?" While the report is too long to include in the RECORD, the following is a brief summary of its conclusions. After analyzing data collected from broadcast stations throughout the United States, CRS concluded that there is a nexus between minority/female ownership and program diversity. Specifically the CRS Report concluded that there is "a positive relationship between minority ownership and minority programming. Stations with any minority ownership programmed proportionately more to their own minority audiences as well as to other minority audiences than did those with no minority ownership." In addition, the report indicates that the higher the minority ownership interest in a station, the higher the percentage of minority programming. Finally, CRS concluded that the minority preference policies have played an important role in increasing the number of stations with minority owners and thus the amount of programming aimed at minorities. The report clearly demonstrates that minority ownership of broadcast stations does increase the diversity of viewpoints presented over the airwaves.

The FCC's rationale for questioning the constitutionality of the minority/female ownership policies is factually and legally invalid. I am a strong supporter of diversity in ownership and programming. The Congress demonstrated its support for minority/female ownership policies by including statutory language to preserve these policies in last year's continuing resolution. The language in this year's appropriations bill simply preserves longstanding policies of both the Congress and the FCC, policies that have been upheld by the courts, and policies that benefit all Americans.

BUTTE, MT, FBI OFFICE

Mr. BAUCUS. Mr. President, I am concerned about the possibility that the FBI will propose reprogramming a portion of the funds appropriated by this legislation for the purpose of relocating the Bureau's Butte, MT, divisional headquarters.

This could have a devastating effect on law enforcement in the region. The Butte office is centrally located within the second largest FBI jurisdiction in the country. In fact, if the office were moved there would be no divisional office along the northern border from Minneapolis to Seattle. There are seven Indian reservations and two national parks within this jurisdiction. Moving the office from its present location would increase the distance from every reservation, significantly reducing accessibility, support, and the availability of administrative staff.

As a result, the support and training the FBI provides local law enforcement would be diminished at a time when we face increased activity by violent white supremicist organizations, increased crime on Indian reservations, and increased drug trafficking.

Senator MELCHER, Congressman WILLIAMS, and I have met with both FBI Director Sessions and Attorney General Meese to discuss this issue. We believe that a decision may be imminent. However, we remain unconvinced that the FBI has fully and fairly analyzed the impact that relocating the divisional headquarters would have. We also are unconvinced that the FBI has analyzed the impact that relocating the office would have on the economy of the Butte area.

In light of our concern, I would like to ask the subcommittee chairman, the distinguished junior Senator from South Carolina, how any attempt to relocate the divisional headquarters will be treated under reprogramming procedures?

As a threshold matter, my understanding is that any attempt to relocate the Butte divisional headquarters or its employees would be covered by section 607 of this legislation. As a result, the Justice Department would be required to notify the subcommittee chairman at least 15 days before any relocation occurs. Is that correct?

Mr. HOLLINGS. Yes. Section 607 states that none of the funds provided under this act shall be available for obligation or expenditure through a reprogramming of funds which, among other things, relocates an office or employees, or reorganizes offices, programs, or activities.

As I understand the details of the Butte situation, an attempt to relocate the divisional headquarters would be covered by this provision.

Mr. BAUCUS. It is my further understanding that the administration will not proceed with the relocation if

the subcommittee decides, within the 15 day period, to disapprove the reprogramming. Is that also correct?

Mr. HOLLINGS. Yes, that is how reprogramming are normally treated.

Mr. BAUCUS. I hope that the chairman and the subcommittee will scrutinize any reprogramming request involving the Butte divisional headquarters carefully. As I said, relocating the office would have a significant impact on law enforcement in the entire region and on the economy of the Butte area. Despite repeated requests to the FBI, we have not been given an opportunity to review the data that supposedly supports a relocation. In light of this, I believe that it would be inappropriate for a reprogramming to be "rammed through" during the last days of the Congress and this administration.

Mr. HOLLINGS. I appreciate the concerns of my colleagues from Montana. At this point, I do not know enough about the situation to express any position about whether, ultimately, relocation is appropriate. But my colleagues have raised serious concerns that deserve careful consideration. I agree that such a proposal is subject to section 607 of this act and will give every consideration to the matter if and when a reprogramming request is submitted to the committee.

Mr. BAUCUS. I thank the chairman and floor manager for his consideration of this issue.

Mr. MELCHER. Mr. President, I wish to join Senator BAUCUS in thanking Chairman HOLLINGS for agreeing to review any attempt by the FBI to use any of the funds in this bill to relocate the FBI Divisional Office in Butte.

Law enforcement by the FBI will not be enhanced by moving this office out of Butte. The area served by this office covers both Montana and Idaho, which is a very large area. Major crimes on Indian reservations, investigation of crimes in National Parks, and investigation of numerous violations of Federal laws as well as control of interstate crimes are all Federal Bureau of Investigation responsibilities.

To consolidate the Butte office by moving it to Boise, ID, or Salt Lake City, UT, is a scheme that bureacratic planners like to plot as if it creates efficiency. I see no merit in the numerous studies the FBI has had on reorganization of the Butte headquarters office.

For over a dozen years I have reviewed several different proposals on this office. None have been convincing that the duties of the Bureau would be better handled by moving this headquarters office.

The function of the FBI is only one part of total law enforcement efforts by local, State, and Indian law enforcement officials. Coordination of these activities in Montana would be seriously jeopardized by relocating this divisional office.

I again thank Senator HOLLINGS for his statement.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, under the previous agreement, I think there will be third reading and final passage.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is necessarily absent.

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

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—80

Adams	Ford	Moynihan
Baucus	Fowler	Murkowski
Bingaman	Glenn	Nickles
Bond	Gore	Nunn
Boren	Graham	Packwood
Boschwitz	Grassley	Pell
Bradley	Harkin	Pressler
Breaux	Hatfield	Pryor
Bumpers	Heinz	Quayle
Burdick	Hollings	Reid
Byrd	Inouye	Riegle
Chafee	Johnston	Rockefeller
Chiles	Karnes	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerry	Shelby
Danforth	Lautenberg	Simon
Daschle	Leahy	Specter
DeConcini	Levin	Stennis
Dixon	Lugar	Stevens
Dodd	Matsunaga	Thurmond
Dole	McCain	Trible
Domenici	McConnell	Warner
Durenberger	Melcher	Weicker
Evans	Mikulski	Wirth
Exon	Mitchell	

NAYS—16

Armstrong	Heflin	Simpson
Conrad	Helms	Symms
Garn	Humphrey	Wallop
Gramm	McClure	Wilson
Hatch	Proxmire	
Hecht	Roth	

NOT VOTING—4

Bentsen	Metzenbaum
Biden	Stafford

So the bill (H.R. 4782), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. DASCHLE) appointed Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. CHILES, Mr. LAUTENBERG, Mr. SASSER, Mr. STENNIS, Mr. RUDMAN, Mr. STEVENS, Mr. WEICKER, Mr. HATFIELD, Mr. KASTEN, and Mr. MCCLURE conferees on the part of the Senate.

Mr. HOLLINGS. Mr. President, once again, let me thank our distinguished majority leader for his help and leadership, and my counterpart here, Senator RUDMAN. It is always a privilege to work with him.

I particularly thank Warren Kane and Dorothy Seder of my staff.

Mr. RUDMAN. Mr. President, if the chairman will yield, I thank John Shank, Tom Polgar, and Santal Manos of our staff and express our appreciation to the chairman.

It is always a pleasure to work with him and the majority leader helping us move this bill and this year in near record time.

Mr. BYRD. Mr. President, again I thank both managers for their splendid cooperation with the leadership in moving this bill forward. They did it under extenuating circumstances. They did not have much time in advance but, nevertheless, they answered the call to duty and responded beautifully.

Mr. HOLLINGS has been laboring under difficult circumstances as I have been.

But they have done very well, and I thank them both.

I also thank Mr. DOLE for his cooperation in moving the legislation forward.

UNANIMOUS-CONSENT REQUEST—S. 675

Mr. BYRD. Mr. President, during the remainder of Senate consideration of S. 675, the endangered species, I ask unanimous consent that the following amendments be the only amendments in order: one amendment by Mr. MCCLURE to require a recovery plan to solicit outside comments; one amend-

ment by Mr. McCLURE to require an economic assessment of listing or recovery plan; one amendment by Mr. McCLURE to require an annual report of a listing or recovery plan; one amendment by Mr. SIMPSON dealing with the study on wolf reintroduction.

Provided further, that there be no motions to recommit with or without restrictions, and that upon the disposition of the aforementioned amendments, there be no further debate.

Mr. DOLE. Mr. President, that will be all right.

I have had one phone call while the Senator from West Virginia was reading the agreement. It was from the Senator from Wyoming, Senator WALLOP. We are trying to get back to him now.

I wonder if we might withhold the final request.

Mr. BYRD. Yes, I withhold the request temporarily.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1989

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate, in accordance with the order previously entered, the Labor-HHS appropriation bill.

The PRESIDNG OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms Amendment No. 2661, to provide that, none of the funds made available under this Act, or an amendment made by this Act for the Department of Health and Human Services shall be obligated or expended after January 31, 1989 if on that date the Secretary of that Department, using existing power, has not promulgated regulations prohibiting funds from being used to provide, on the premises of any elementary or secondary school, contraceptive drugs or devices, prescriptions for contraceptive drugs or devices, transportation for contraceptive drugs or devices, referrals for contraceptive drugs or devices, abortions transportation to aid in obtaining an abortion, counseling to encourage an individual to obtain an abortion, or referrals for obtaining an abortion.

Mr. BYRD. Mr. President, I would like to ask for the cooperation of all Senators and urge Senators who have amendments to the Labor-HHS appropriations bill to be prepared to call up those amendments. I hope that it would be possible for the Senate to complete action on the bill.

I urge Senators also to prepare for a late evening session, in the event that it is necessary, to make progress on the bill.

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. CHILES. 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. CHILES. Mr. President, I just want to summarize for a moment as we are going back on the bill kind of where we are. We have 22 remaining committee amendments and then we have proposed some 35 regular amendments. We have 19 more committee amendments until we get to the matter on page 46 regarding rape and incest. That seems to be one of the matters that is holding us up in the bill.

If we could get to a vote on that issue and resolve that issue, then perhaps we could start to make some real progress. We are now pending on the Helms amendment regarding contraception and school-based clinics. My understanding is conferences are going on now. I hope that we will be able to proceed on the bill in a timely fashion. I know the leader has said something about people should be prepared for a late night. Maybe it is an early morning. But I hope that we will be able to make some progress at the conferences now being held.

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. HUMPHREY. 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. HUMPHREY. The pending business is the amendment of the Senator from North Carolina?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. Mr. President, it is my intent to seek unanimous consent to temporarily lay aside that amendment and to offer one of my own. However, I do not have it in my hands. It is on the way from my office. In the meantime, I beg the indulgence of my colleagues and will give a few remarks on another subject.

(The remarks of Mr. HUMPHREY appear later in today's RECORD.)

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. 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. 2693

(Purpose: To provide $10,000,000 for the gifted and talented program under part B of title IV of the Elementary and Secondary Education Act of 1965).

Mr. BRADLEY. 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 New Jersey [Mr. BRADLEY] proposes an amendment numbered 2693.

Mr. BRADLEY. 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 52, line 7, after "part A," insert "part B,".

On page 52, line 17, strike out "$1,104,180,000" and insert in lieu thereof "$1,106,180,000".

On page 52, line 18, strike out "$502,000,000" and insert in lieu thereof "$494,000,000".

On page 52, line 20, strike out "$473,700,000" and insert in lieu thereof "$465,700,000".

On page 52, line 26, after the comma insert the following: "$10,000,000 for part B,".

On page 63, line 5, strike out "$260,600,000" and insert in lieu thereof "$258,600,000".

Mr. BRADLEY. Mr. President, this is an amendment that would provide $10 million to fund the Jacob K. Javits Gifted and Talented Children and Youth Education Act of 1988. Money would come from $2 million out of management funds and $8 million out of chapter 2 moneys. It has been cleared on both sides of the aisle.

Mr. President, the Federal Government began its involvement with the education of gifted and talented students over 15 years ago. In 1969, Senator Jacob Javits of New York led the fight for the passage of the Gifted and Talented Children's Education Assistance Act. His efforts focused Federal attention on talented and gifted youth, gave them priority in several Federal education programs, and directed the Commissioner of Education to report to Congress on the current status of education programs for gifted and talented children and the unmet educational needs of these children.

In 1974, Senator Javits provided the leadership needed to appropriate $2.5 million to help local educational agencies aid these children. Again in 1978, Senator Javits introduced legislation leading to the passage of the Gifted and Talented Children's Education Act. Appropriations reached $6.3 million in 1980, allowing for the support of many excellent and innovative educational programs.

Since 1980, there has been a major retreat in Federal aid for the gifted

and talented. In 1981, at the request of the Reagan administration, the Gifted and Talented Children's Education Act of 1978 was eliminated as a separate program and merged with 29 other education programs under a block grant—chapter 2 of the Education Consolidation and Improvement Act. By 1986, 87 percent of all school districts receiving funds under chapter 2 had ceased providing any money at all for gifted education. And 13 percent of the districts that provide any support for gifted and talented students spend an average of only $1,000 on their programs. In 1982, the Reagan administration shut down the Office of the Gifted and Talented in the U.S. Department of Education. Today, the Federal Government now plays virtually no role in helping schools provide opportunities for the gifted and talented.

The National Commission on Excellence in Education, in its groundbreaking report, A Nation at Risk: The Imperative for Education Reform, stated:

> The Federal Government, in cooperation with states and localities, should meet the needs of key groups of students such as gifted and talented, the socioeconomically disadvantaged, minority and language minority students, and the handicapped. In combination these groups include both national resources and the nation's youth who are most at risk.

I do not believe we are doing enough to support educational opportunities for any of these children with special needs. Yet, each of these at risk groups, with the single exception of the gifted and talented, receives significant Federal assistance.

Mr. President, the needs of the gifted and talented children are real. We have nearly 2.5 million gifted and talented elementary and secondary students in the country, and nearly half of them have never even been educationally identified. Of these students identified, half are achieving below their ability level, and only 20 percent of their teachers are properly trained to design curriculum for these students. One of the reasons for this lack of attention to their needs is an unfortunate notion that our gifted and talented children will succeed on their own. That's simply not true. Without special attention, these young people frequently get bored and drop out.

In New Jersey, there are presently at least 70,000 gifted and talented school age children. Few of these children receive the services that they deserve and thousands more receive no supplemental help at all.

The talented and gifted need more attention, not less. And to this end, today I seek to amend this appropriations bill to provide moneys to make sure their talents are developed to their full potential. This amendment will rekindle our commitment to the gifted and talented children and youth of this Nation in the name of our late esteemed colleague, Senator Javits.

Eight million dollars of the 10 million will be reassigned from chapter 2 block grant, establishing a funding level for the block grant at $465 million; $2 million will be reassigned from departmental management, establishing a funding level for program administration of $258 million, an appropriation $18 million above 1988 levels and $8,750,000 above the House allowance.

This $10 million will support programs at the State and local level to meet the educational needs of gifted and talented children. Eligible recipients of this funding include State educational agencies, local educational agencies, schools of higher education, and other public and private organizations. Funds will be available to help schools find better ways to identify and educate gifted and talented school-children. Recognizing that special talents know no economic and racial barriers, half of the programs approved by the Secretary of Education must be targeted to economically disadvantaged children.

Mr. President, the Labor, Health and Human Services, and Education Appropriations bill already acknowledges the educational legitimacy of the needs of a select number of gifted and talented children and youth. The current bill provides $1 million for native Hawaiians for 1989. In addition, with passage of the Interior appropriations bill, the Senate will provide $1.4 million to assist gifted and talented American Indian students.

We must also provide a clear mandate for the education of all our gifted and talented students, particularly those from our poorest communities, many being minority students in desperate need of special educational support if their rich gifts and talents are to be developed.

Mr. President, Congress recognized the importance of helping gifted and talented children when we enacted the omnibus education bill last year. The time has come to put our words into action by funding this important program.

Gifted and talented children represent an invaluable national resource, one that remains sadly underdeveloped. I truly believe that our leadership position in the world depends on our commitment to our youth. Our goal must be to do everything in our power to help students reach their potential level of intellectual development. Special attention to gifted and talented students is called for if our Nation is to maintain and improve its position as a world leader in technology, the sciences, the humanities, and the arts. Passage of this amendment is a small step toward this end.

Mr. President, I ask that my colleagues support this amendment. Through this program we not only honor Senator Javits, we begin to realize our own commitment to the development of our gifted and talented children.

Mr. CHILES. Mr. President, the Senator from New Jersey has worked diligently to get the Gifted and Talented Education Program authorized during the recent reauthorization of the Elementary and Secondary Education Act. This program was funded as a freestanding item prior to the creation of the chapter 2 State block grant in 1981. It has been significantly improved under the new authorization, a better target of resources on our disadvataged youngsters.

We have seen some very frightening studies that show among the ranks of our school dropouts some extraordinarily gifted and talented youngsters. These are certainly the kids we need to keep in school so they can reach their full potential and become leaders and role models in their community.

The Senator from New Jersey has found an appropriate offset since this program was originally folded into the chapter 2 block grant. We are simply breaking this funding out once again to fund this initiative. I believe that it is a good initiative, and I know how long and how hard the Senator from New Jersey has worked in the area of gifted and talented children—the whole area of education, but especially in that particular area where he has been a leader in the Senate and, on the part of the majority, we will be pleased to accept the amendment.

Mr. WEICKER. This also has been cleared on the minority side.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment (No. 2693) was agreed to.

Mr. BRADLEY. I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2694

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

The PRESIDING OFFICER. Does the Senator seek unanimous consent to lay the Helms amendment aside?

Mr. CRANSTON. I ask unanimous consent it may be set aside so I can send this amendment to the desk.

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

The clerk will report.

The legislative clerk read as follows:

> The Senator from California (Mr. CRANSTON), for himself and Mr. KENNEDY, proposes an amendment numbered 2694.

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 end of the pending committee amendment, add the following: "Notwithstanding any other provision of this Act, AIDS education programs funded by the Centers for Disease Control and other education curricula funded under this Act dealing with sexual activity—

(1) shall not be designed to promote or encourage, directly, intravenous drug abuse or sexual activity, homosexual or heterosexual, and

(2) in addition, with regard to AIDS education programs and curricula—

(A) shall be designed to reduce exposure to and transmission of the etiologic agent for aquired immune deficiency syndrome by providing accurate information, and

(B) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse;"

Mr. CRANSTON. Mr. President, this amendment is cosponsored by Senator KENNEDY of Massachusetts.

Mr. President, in anticipation of amendments later this afternoon by the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from North Carolina [Mr. HELMS], I am offering this amendment on behalf of myself and Senator KENNEDY. It is intended to address the issues raised by a "Dear Colleague" letter sent by the Senator from New Hampshire and by the Helms amendment, which we have faced in the past. These issues are not new to the Senate. We have debated them before and I am sure we will debate them again.

What I am talking about, Mr. President, is educating people about AIDS. Every time legislation is brought to the floor that would help stop this terrible epidemic by funding life-saving information and education programs, we are faced with attempts to hinder and curtail those efforts. Those attempts to hamstring public health educational programs may be disguised in moralistic language. But the real truth—the bottom line—is that they will contribute to further spread of this disease, more illness, and more death.

Mr. President, our amendment addresses the concerns that have been raised by the Senators from New Hampshire and North Carolina; namely, that the Federal Government should not promote particular kinds of sexual activity. I presume that every Senator shares that view. I would add that our amendment would prohibit Government funding of programs designed to promote any type of sexual activity—heterosexual or homosexual. The Government is not now, nor should it ever be, in the business of funding materials that are designed solely and specifically to encourage sexual activity.

Our amendment would also require federally funded education programs regarding AIDS to provide information on the health risks of promiscuous sexual activity and intravenous drug abuse.

At the same time, Mr. President, our amendment clearly and emphatically would require that all education programs funded under this act "be designed to reduce exposure to and transmission of" the virus that causes AIDS. That, after all, is the purpose of any AIDS education effort. The Federal Government should be doing all it can to support and encourage the development of programs that will slow the spread of this deadly virus.

Mr. President, this amendment will let the community-based organizations that have done the most effective AIDS education efforts—efforts which have had a tangible and measurable impact on stopping this epidemic—continue to do their life-saving work. It would ensure that information that is culturally sensitive can be targeted to individuals and populations with a variety of needs and levels of understanding. Gay men, bisexual men, individuals who are uneducated or illiterate, intravenous drug users, women, teenagers—all may respond to different types of messages and information. What is appropriate to you or me or to the general population may have no impact in persuading a drug addict in New York City or a gay man in Los Angeles to change his behavior.

We must give the public health experts the flexibility necessary to decide what is appropriate or not and, most importantly, what can save lives.

The pending amendment would allow that flexibility. At the same time, it would make it clear that the Government will not support programs with the purpose of promoting sexual activity.

In contrast, the Helms amendment, which was enacted as part of the fiscal year 1988 Labor-HHS appropriations law and which also was attached to S. 1220, the omnibus AIDS legislation passed by the Senate this past April, has had a chilling effect on AIDS education efforts. I anticipate that it will again be offered this afternoon. That approach unduly restricts the efforts of those who know best how to try to get those at risk of contracting AIDS to avoid risky behaviors.

Mr. President, I would like to share with my colleagues what two distinguished, highly regarded reports on AIDS—by the National Academy of Sciences and the Presidential Commission on the Human Immunodeficiency Virus Epidemic—say about AIDS education.

The National Academy of Sciences stated, in its 1988 update of the landmark report "Confronting AIDS," that supporting AIDS education efforts:

May mean supporting * * * efforts that contain explicit, practical, and perhaps graphic advice targeted at specific audiences about safe sexual practices and how to avoid the dangers of shared needles and syringes.

Specifically in response to the Helms amendment, the report concluded:

Efforts to stifle candid materials that discuss safer sexual practices and that are targeted at appropriate audiences may take a toll in human lives. * * * Explicit information on the risks associated with gay sex and the way those risks can be minimized does not "promote or encourage" homosexual activities. Its sole function is to help homosexuals avoid an illness that endangers their lives and those of their sexual partners and costs the Nation billions of dollars.

Mr. President, the Presidential AIDS Commission, appointed by President Reagan, also expressed great concern about education programs. In its June 1988 report, the Commission wrote:

The Commission is concerned that, in the promotion of the personal moral and political values of those from both ends of the political spectrum, the consistent distribution of clear, factual information about HIV transmission has suffered. HIV education programs, for example, should discourage promiscuous sexual activity * * *. However they need to be explicit in nature so that there is no confusion about how to avoid acquiring or transmitting the virus.

Mr. President, the pending amendment would provide reasonable, rational, and responsible guidelines to States and community-based organizations about the content of AIDS education materials. Programs designed directly to promote sexual activity would not be funded. But programs that can help people change behaviors, that can reduce the risk of transmission, and that can save lives will be supported by the Federal Government.

Mr. President, I urge adoption of this amendment. I also urge all my colleagues to oppose any future amendments that would restrict and undermine AIDS education efforts and that would ultimately cost human lives.

The PRESIDING OFFICER. Is there further debate?

Mr. CHILES. Mr. President, I think the amendment is positive. We would certainly urge its adoption on this side.

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

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

The yeas and nays were ordered.

Mr. HELMS. 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. KENNEDY. 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. KENNEDY. Mr. President, the amendment proposed by the Senator from California is very similar to the

Kennedy-Hatch amendment which was offered on S. 1220, the comprehensive AIDS legislation which was passed by the Senate on April 28 of this year.

That amendment carried by more than a 2-to-1 margin. It establishes a clear and unimpeachable principle: that the truth is our best defense against AIDS. The amendment provides that AIDS education materials shall be designed to reduce exposure to AIDS by providing accurate information. And to resolve the fears of those who are concerned that AIDS education materials are somehow being used to promote homosexuality, the amendment also provides that no AIDS education materials shall be designed to promote or encourage homosexual or heterosexual sexual activity.

Mr. President, this amendment is a responsible response to those who are concerned about the use of Federal dollars that could encourage sexuality—but it also states in law the powerful concern of the public health community that the language that was included in last year's Labor/HHS appropriations bill had a harmful effect on our efforts to defeat this disease. Mr. President, the National Leadership Coalition on AIDS is a group composed of many of this Nation's most respected corporations, health leaders, public associations and individuals. Members of this group include AT&T, the Burroughs-Wellcome Co., Johnson & Johnson, the American Hospital Association, the AFL-CIO, the American Medical Association, The American Red Cross, and the Catholic Health Association. In a letter dated February 19, 1988, the coalition wrote to me as the chairman of the Labor and Human Resources Committee with this evaluation of the language proposed by the Senator from North Carolina. They write:

> The restrictions offered last year by Senator JESSE HELMS regarding education materials seriously distracted attention from the primary issues comprising the AIDS epidemic, and consumed costly resources to mitigate. Those hours and dollars didn't go into services, care or focused education to help the public understand the primary aspects of AIDS.

That amendment last year cost this country lives and dollars, and caused an irresponsible and completely unnecessary setback in the war on AIDS. More than 100 organizations have written to the Labor and Human Resources Committee opposing the language proposed by the Senator from North Carolina. When we adopted this language last year, we sent a chilling message to the public health community in America. The language provides that no funds may be used to promote homosexuality—and who could disagree with that? The Federal Government has no business encouraging anyone's sexual behavior, whether it is homosexual or heterosexual. But this language does more than that—it restricts the things that public health agencies can say with regard to AIDS education—and that restriction makes this language deadly because of the ambiguity of the terms "promote or encourage." If a federally financed AIDS hotline advises a gay caller that he can reduce his risk of dying by wearing a condom, has the caller been "encouraged" to engage in homosexual sexual activity? If a pamphlet mentions or acknowledges that its reader may be homosexual, have we encouraged homosexuality? The list of possible excesses contained in this amendment goes on and on because the language of the amendment is fraught with ambiguity.

And what is the consequence of this ambiguity? What happens if an agency receives funds and uses them to provide information that is later determined to run afoul of the amendment? Then the agency is required to return all of the funds to the Federal Government. We are talking about groups and agencies that don't have big bank accounts to fall back on to pay a fine like this. They do not keep a big fraction of their money stuffed in a mattress waiting on a rainy day—for them the storm has come, and they deploy all of their resources to the fight that must be waged before more lives are lost. So when—months after the money has been spent—a Federal official waving a copy of the Helms amendment comes to town demanding a refund, that could just about shut them down. So what will they do? With the penalties so high, they will have no choice but to err far to the side of caution. They will not be able to tell the truth in clear language. They will have to censor what we know, because the Federal Government has less courage than the brave professionals and selfless volunteers who have struggled with this crisis since it was first recognized. What a tragedy, with all the struggles that these soldiers face in the war on AIDS, that the Federal Government would tie their hands as they stand at the ramparts. The deans of every school of public health in the United States have written to me that the Helms amendment "would cripple the public health 'war effort' in the most dangerous possible way."

I know that Senator HELMS has claimed that no real damage has been done by his amendment. And when we first faced this issue last year, I thought that the measure was toothless. But it is a fact that the chilling effect of this amendment is for real. It is a fact that effective materials have been shelved and vital proposals have been tabled because of the fear of what this amendment might do. The American Public Health Association, which represents 10,000 public health professionals, has written that the "Helms AIDS amendment—will inhibit the development and dissemination of AIDS educational materials which are appropriate and effective for the populations for which they are designed."

In April, during the consideration of S. 1220, Senator CRANSTON reviewed in detail the programs that have already retreated because of the Helms amendment that was attached to this bill last year. Programs in North Carolina, Texas, Nevada, Delaware, and Illinois, just to start the list, have eliminated materials targeted to gay and bisexual men for fear that they would suffer a penalty under the Helms amendment. The AIDS clearinghouse no longer distributes materials targeted to gay and bisexual men. Yet these populations account for 70 percent of the AIDS cases in this country.

The Senate Governmental Affairs Committee has conducted an extensive evaluation of the effects of the Helms amendment. They have received information from 39 States. They report that officials in Alabama, Illinois, Massachusetts, Nebraska, Ohio, Oklahoma, Utah, New Mexico, and New Hampshire believe that the amendment will cause their prevention efforts to become "more timid" and will stifle the development of safe-sex education efforts. Alabama writes that as "we expand our AIDS education efforts targeted to IV drug users, minority groups, gay and bisexual men, the potential effect of—the Helms amendment—is extremely grave." Other officials in other States report that organizations servicing people in high-risk groups have decided not to submit proposals for funding from the Federal Government.

The cost of this retreat will be borne by this society for decades to come. Make no mistake about it—the Helms amendment will cost lives. Some 200 of the Nation's leading health and behavioral researchers have written to me with this grim warning:

> Proponents of the (Helms amendment) fail to understand that the barriers they construct lead to poor preventive health measures and inevitably cost American lives.

The Child Welfare League of America writes that:

> Amendments that restrict knowledgeable, competent and experienced professionals from writing materials aimed at reaching and influencing (high-risk) youth would have a deadly consequence for many young people.

The U.S. Conference of Mayors "opposes any amendments which could hamper targetted health information from reaching those at increased risk." We have been warned by the American Psychological Association against the Helms amendment in these words: "AIDS education often must be explicit and detailed. Much of the early AIDS education materials relied on such euphemisms like "body fluids" in

order to avoid frank discussions about how to really prevent HIV transmission. The mistakes of the past, which caused an untold number of infections due to ignorance, must not be repeated. Last year, we made a mistake, and this year, we have an opportunity to refuse to repeat it. I urge my colleagues to cast a vote for life, for truth, and to strike a blow against the virus, and support the Cranston amendment.

Mr. HELMS. Mr. President, I have listened with great interest, from start to finish, to the comments made in support of the amendment by the Senator from California [Mr. CRANSTON]. Senator CRANSTON was forthright. He announced at the outset that this is an attempt to render nugatory an amendment that was adopted by the Senate on two occasions. They call it the "Helms amendment," and I am proud to have it called that.

First of all, on October 14 of last year, an attempt was made to table the amendment, and the tabling motion failed by a vote of 94 to 2, a pretty good margin. Then the amendment was adopted on April 28 of this year by a margin of 71 to 18.

So, what is afoot here is to restore to various groups, hundreds upon hundreds of thousands of tax dollars to promote sodomy, to promote homosexuality.

This was something that the Senate understood clearly—once last year and once this year, when I offered the amendment. There is no other face to be put on it. They want to render this previous action, this year and one last year, nugatory.

I notice that my distinguished colleague from Massachusetts talked about the chilling effect on the public health community. I will tell you who felt a chilling effect as a result of the Helms amendment. It was those who received countless thousands of dollars collected from the American taxpayers, those who then proceed to spew out rotten, disgusting printed material, videotapes, comic books.

I remember taking one of the comic books—which was produced and circulated by an organization known as the Gay Men's Health Crisis, in New York, which has received almost $700,000 in Federal tax money—down to the White House, and I laid it on the desk of the President of the United States.

I said: "Mr. President, take a look at this and see what "safe sex" AIDS education means.

He looked at it, closed it up, and said, "Good Lord," and he instructed Howard Baker to do something about it, sitting right there.

I obtained a copy of a videotape produced by the same crowd—with Federal tax dollars—and I showed this videotape to a number of Senators. They were disgusted.

Yet, the pretense is made that this is somehow going to help slow down the AIDS Program. Not so. This abuse of public funds is nothing more than an advocacy of sodomy. If anybody doubts it, we will trot out the material again.

I do not know what motivates Senators to believe that, somehow, the homosexual community, by telling how great it is and how to engage in perversion—it will slow down AIDS. I think just to the contrary.

We have heard that this amendment has had a chilling effect on AIDS education. I will tell you who else it had a chilling effect on—the homosexual community. There was a little demonstration. My office in Raleigh, NC, was picketed by these people because of that amendment. Prior to the picketing, they would come in, in pairs, two men kissing and hugging each other and doing other things, to embarrass and humiliate my staff members. I finally got the U.S. marshal to keep them out of there.

If the Senate wants to support the Cranston amendment, fine. We will have a record vote on it and then let Senators go home and say how come they voted one way last year and the same way this year and then turn right around and vote another way because the effect of the Cranston amendment is to render nugatory the Helms amendment. I commend the Senator from California. He was very candid. He offered this amendment, he said, because he knew I was going to offer my amendment. Fine. I still intend to do it.

We have a parliamentary situation now where any amendment to a committee amendment is a second-degree amendment and therefore not further amendable.

But the shoe fits both ways, Mr. President. We are going to have a pretty good discussion about this thing. I had not meant to hold up the Senate long, but we will have some discussion and consideration.

Mr. President, at the very minimum before we vote on a tabling motion that will be made on the Cranston amendment, regarding what he called AIDS education, I think it is necessary to examine a few of the facts, such as a northwestern, Ohio, study of 303 homosexual men that stated:

> We have concluded that educational efforts on safe sex education in our areas have resulted in clinically meaningful behavior modification in only a small segment of the socially and sexually active homosexual community.

And that same study found that only 28 percent in any event practiced this totally "safe sex."

This printed material that I have alluded to earlier does not say "Stop this conduct that is killing you." It says "Just do it safe." No way.

Mr. President, this study showed that 71 percent persisted in those very activities that had been clearly described as terribly dangerous.

Mr. President, a Pittsburgh study of condom use in 503 homosexual and bisexual men showed that knowledge of safe sex did not stop the practice of so-called high risk behavior and according to the report, failure to use condoms is probably not related to deficits in knowledge. The study stated, "Knowledge of safe sex did not prevent most men who practiced anal sex from engaging in unprotected sex."

A study of the massive AIDS education campaign in Britian reached this conclusion: "The campaigns had no effect on changing sexual behavior."

Then there was the highly publicized national study by NIH, the National Institutes of Health, of homosexual and bisexual men that purported to find "a marked" decrease in dangerous sexual behavior.

But measured against the dangers of risky behavior, the reductions, were inadequate, Mr. President. For example, although the study found the proportion not practicing receptive anal sex increased 51 percent they still practiced it; although the use of condoms doubled more than two-thirds they did not bother to use them, and these were not people who did not know, they just did not care.

I think it is quite apparent, Mr. President, that other approaches need to be taken if we are going to stop the spread of AIDS, and one of them is a restoration of values. Nobody ever talks about that. We treat the homosexuals as if they are some kind of 800-pound gorilla. I think we ought to treat them for what they are. I feel sorry for them. I am sorry when any of them contracts the AIDS disease. But the fact remains that they did not have to do what they have been doing.

Mr. President, I raise a point of order that the Cranston amendment is legislation on an appropriation bill in violation of rule XVI.

The PRESIDING OFFICER. The Chair will rule on the point of order.

Mr. CRANSTON. Mr. President, I raise the defense of germaneness.

The PRESIDING OFFICER. The Senator from California will repeat his remark.

Mr. CRANSTON. The point is that this is germane to language in the House-passed bill.

The PRESIDING OFFICER. The Chair will state that under the precedents of the Senate construction of rule XVI questions of germaneness on appropriations bills are submitted to the Senate without debate.

The question is, Is the amendment germane?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The bill 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.

The question is, is the amendment germane? 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 Texas [Mr. BENTSEN], is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY], is necessarily absent.

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

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—56

Adams	Gore	Packwood
Baucus	Graham	Pell
Bingaman	Harkin	Proxmire
Boren	Heinz	Pryor
Bradley	Hollings	Reid
Breaux	Inouye	Riegle
Bumpers	Johnston	Rockefeller
Burdick	Kennedy	Rudman
Byrd	Kerry	Sanford
Chafee	Lautenberg	Sarbanes
Chiles	Leahy	Sasser
Conrad	Levin	Simon
Cranston	Matsunaga	Specter
Daschle	Melcher	Stafford
Dodd	Metzenbaum	Stennis
Durenberger	Mikulski	Weicker
Evans	Mitchell	Wilson
Fowler	Moynihan	Wirth
Glenn	Nunn	

NAYS—41

Armstrong	Gramm	Murkowski
Bond	Grassley	Nickles
Boschwitz	Hatch	Pressler
Cochran	Hatfield	Quayle
Cohen	Hecht	Roth
D'Amato	Heflin	Shelby
Danforth	Helms	Simpson
DeConcini	Karnes	Stevens
Dixon	Kassebaum	Symms
Dole	Kasten	Thurmond
Domenici	Lugar	Trible
Exon	McCain	Wallop
Ford	McClure	Warner
Garn	McConnell	

NOT VOTING—3

Bentsen	Biden	Humphrey

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41. The judgment of the Senate is that the amendment is germane. The point of order on the legislation falls.

UNANIMOUS-CONSENT AGREEMENT—ENDANGERED SPECIES ACT

Mr. BYRD. Mr. President, this has been cleared with Mr. SIMPSON and Mr. DOLE. During the remainder of the Senate consideration of S. 675, the Endangered Species Act, I ask unanimous consent that the following amendments be the only amendments in order:

One amendment by Mr. MCCLURE to require a recovery plan to solicit outside comment; one amendment by Mr. MCCLURE to require economic assessment of the listings or a recovery plan; one amendment by Mr. MCCLURE to require an annual report of expenditures of a listing or recovery plan.

Provided further that no motions to recommit with or without instructions be in order, and that upon the disposition of the foregoing amendments, the Senate, without further debate or intervening action or motion, proceed to third reading, and immediately without intervening action or motion or further debate, proceed to final passage.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I ask unanimous consent that paragraph 4 of rule XII be waived.

Mr. MCCLURE. Reserving the right to object, I did not hear the first part of the request. As I understand, it covered the three McClure amendments?

Mr. BYRD. It did; three amendments by Mr. MCCLURE.

Mr. MCCLURE. I thank the Chair. I have no objection.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. Hearing no further objection, the request of the leader is agreed to.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1989

The Senate continued with consideration of the bill.

Mr. GLENN. Mr. President, once again the Senate is forced to revisit an issue which has arisen, and been hotly contested, twice by this body in the last year. The ramifications of this question are immense. The issue is the spread of the HIV virus which has already claimed 37,535 lives—almost 38,000 lives and infected almost 67,000 people.

Public health officials across our Nation contend that the most effective way to curb the further spread of AIDS is through education. The question is: What type of education? Educational campaigns aimed at carefully defined target groups, using language that is both readily understandable by the members of that group, and sensitive to the group's unique characteristics. AIDS educators must both present the facts about the disease and teach the practical skills people need to successfully prevent infection. If they do not, the impact of the message may be lost and instead we will see the spread of this disease continue.

This Nation cannot afford to lose the impact of a message that teaches people how to avoid behaviors that put them at risk of becoming infected with AIDS. The stakes are too high. Treatment methods are limited, and we have not yet developed a vaccine for AIDS. Meanwhile, the numbers of infected American men, women, and children continue to increase.

Despite these high stakes, we in Congress have placed restrictions on the content of AIDS educational materials produced with funding from the Federal Government. The Senate passed these restrictions for the first time during consideration of the fiscal year 1988 Labor-HHS appropriations bill. This provision was enacted into law as part of the omnibus spending bill last year, as Public Law 100-202. Specifically, this law prohibits federally financed educational materials from directly promoting or encouraging homosexual sexual activities. Its other provisions emphasize abstinence from both sexual activity outside marriage and illegal intravenous drug use.

Most recently, during debate leading to passage of S. 1220, the AIDS Research, Information and Care Act of 1988, this body adopted by wide margins two separate amendments dealing with the allowable content of AIDS education materials. Together, the two amendments leave health officials and AIDS educators utterly confused as to the permissible content of AIDS educational materials.

On these two occasions, I voted in favor of these amendments imposing a prohibition on the use of Federal funds to promote homosexuality. I do not believe the Federal Government should be in the business of encouraging or promoting homosexuality. I voted for that twice.

But I must note that we have consistently passed these amendments only after heated debates in which sharp words and accusations were tossed across this floor. The debates were politically and emotionally charged, and points were frequently made based on conjecture, rather than on solid, supporting evidence.

However, in the last few months, the Governmental Affairs Committee, which I chair, conducted research which begins to paint a picture about how the law is actually affecting States and cities across this Nation, not just theoretically, as we talked about here on the floor, but how it is actually affecting health departments across this country. With this informa-

tion, we now have the opportunity to make more informed decisions than we have had previously.

We had a hearing on June 8 in the Governmental Affairs Committee. It was titled "The Effectiveness of AIDS Education." It fell under our jurisdiction because the administration of AIDS education and AIDS research goes across several branches of Government.

In preparation for its June 8 hearing on "the Effectiveness of AIDS Education," the committee polled all of the State and several city health departments about the impact of Public Law 100-202 on their AIDS educational programs. To date, the committee has received responses from 42 States, 3 cities, and 1 territory.

One-half of the respondents criticize provisions of this law maintaining that it has, in fact, inhibited their ability to provide effective AIDS education in a variety of ways.

For example, officials in Connecticut, Delaware, Texas, Washington, New York City, San Francisco, Tennessee, North and South Carolina discuss in a frank and explicit manner the negative impact of Public Law 100-202. Some of the many problems they address include the need to reject good materials which do not meet every requirement of the law, the tendency to produce materials which are less explicit and culturally sensitive, and an inability to reach individuals with low literacy abilities. Others state that organizations servicing people in high-risk groups have decided not to submit proposals for funding from the Federal Government; a dangerous development since local and private resources have already been stretched thin.

Some of these officials state that the law essentially prohibits federally financed programs from teaching individuals how to correctly use condoms, showing men how to have "safer" sex with other men, and providing information to drug users about cleaning their injection equipment with bleach. Those are essentially prohibited.

Tennessee summarizes these factors by writing: "This restriction of explicit information and stressing only abstinence and family-oriented values allows us to effectively target those individuals at least risk of HIV infection. We completely ignore illiterate IV addicts * * * run-away youths, sexually active youths and adults, and sex partners of IV drug users * * *. For a legitimate AIDS education program to respond with anything but explicit answers threatens our credibility, not to mention our sensitivity to specific cultures and communities. The end result of this controversy will only enhance the spread of HIV among those who fail to 'abstain.'"

A small number of officials suggest that the law has adversely affected their efforts by complicating the accounting procedures. It has delayed program funding because of the review and approval process, diverted staff time from valuable activities, and slowed the distribution of educational materials.

Officials in Alabama, Illinois, Massachusetts, Nebraska, Ohio, Guam, Oklahoma, Utah, New Mexico, and New Hampshire discuss the law's potential limiting effect on their efforts to prevent infection among persons engaging in high-risk behavior. They explain that prevention efforts will become "more timid," and that service providers will begin to seek non-Federal funding sources. Others warn that the law could jeopardize educational materials and programs dealing with safer sex, and that it could stifle the development of innovative educational efforts. For example, Alabama writes that though "Public Law 100-202 has not had a major impact on AIDS control efforts in Alabama * * * as we expand our AIDS education efforts targeted to IV drug users, minority groups, gay and bisexual men, the potential impact of Public Law 100-202 is extremely grave."

Officials in Oregon, Vermont, New Jersey, New York State, North Dakota, Arkansas, California, Georgia, Idaho, Iowa, Wisconsin, Virginia, West Virginia, Louisiana, Maryland, Mississippi, Minnesota, Missouri, Montana, Nevada, Los Angeles and the District of Columbia state that the public law has not yet had any adverse impact on their AIDS education programs. However, some of these officials qualify this conclusion by pointing out that many community-based organizations providing AIDS education do not receive Federal funds. Others remark that the public law has not affected them because of their interpretation of its wording, but emphasize that further changes in the language could impair their abilities to produce effective materials.

Because the results of this survey are so critical to this discussion, I would like to briefly summarize them again. Many respondents contend that they have had to reject effective materials and instead have had to use materials which are less explicit and culturally sensitive. This problem becomes especially acute when trying to reach homosexual and bisexual men, intravenous drug users, and persons in minority groups with information about the risks of certain behaviors and how best to avoid those risks.

In addition, a few health officials cite the fact that they are now unable to reach individuals with low literacy skills who need explicit visuals and pictorials. The AIDS Education Director from Connecticut's Department of Health Services writes that "* * * Review panel members, mindful of the program's dependence on Federal benevolence, are reluctant to adopt an interpretation that is too broad. Hence, the best education materials for a targeted population may be passed over in favor of something that is less risky, less appropriate, and less effective."

These health leaders also contend that organizations serving people in high-risk groups have decided not to apply for funding from the Federal Government. Obviously, this decision will only hurt educational programs since resources for these activities are already very limited.

Another problem many of these officials highlight concerns the law's negative impact on their accounting procedures. According to these officials, Public Law 100-202 has delayed program funding because of the burdensome review and approval process. It has diverted staff time from more substantive activities, and slowed the dissemination educational materials. For example, the Acting Director of the State of Washington's Department of Social and Health Services writes that "The additional accounting procedures required by passage of Public Law 100-202 and the diversion of Federal funds from explicit risk reduction efforts will severely and negatively impact efforts to halt or reduce additional HIV infections, especially among racial/ethnic and sexual minorities."

State health officials that have not already felt the negative impact of the law point out that its potentially restrictive effect is dramatic.

As I said earlier, they warn, that prevention activities will become "more timid." Moreover, they report that the law jeopardizes educational programs teaching individuals about safer sex, and stifles the development of innovative educational efforts.

At the same time, one half of the respondents feel that the public law has not affected their programs for a variety of reasons. Some do not use Federal funds to finance their educational programs, and are encouraging organizations that do not share the law's orientation to seek private funding. Some are not involved at all with educational programs, and therefore are not affected by the public law. Others explain that they are using their best judgment to interpret the law. A few add that they would prefer if these questions were left to the discretion of the State Health Department and community review panels, instead of the Federal Government. Others contend that the law has not yet adversely affected them because their programs emphasize abstinence. However, these States qualify those comments by adding that flexibility is needed, and moralistic approaches are counter productive to educational programming.

The Governmental Affairs Committee continues to receive responses documenting the extent of the problem. Clearly, we should not take this criticism lightly as it comes from the people who run the departments of health in our states and cities across this country. They are on the front lines striving to protect the public from this killer disease on a daily basis. I think it most fitting to close my remarks with comments that I made just a moment ago but which I would like to repeat because I think they put this issue in proper perspective. We have received these comments from an official who is forced to cope with the effects of legislation this body passed last year. This response came from the Commissioner of Health in Tennessee. He writes that:

This restriction of explicit information and stressing only abstinence and family-oriented values allows us to effectively target those individuals at least risk of HIV infection. We completely ignore, (for example) illiterate IV addicts who desperately need information on how to clean needles while waiting for entrance into a drug rehabilitation program. Also left to fend for themselves are run-away youths (any of whom turn to prostitution for survival), sexually active youths and adults, and sex partners of IV drug users.

The questions coming from all segments of the community, from junior high schools and businesses to church groups, are explicit. For a legitimate AIDS education program to respond with anything but explicit answers threatens our credibility, not to mention our sensitivity to specific cultures and communities. Initiating behavior change is an immensely difficult undertaking in its own right. To respond with unrealistic answers to today's society adds to the widespread community rejection of government-generated AIDS information. The end result of this controversy will only enhance the spread of HIV among those who fail to abstain.

Mr. President, I think that captures the problem very well.

The purpose of the amendment we are considering today, which has been introduced by Senator CRANSTON, is to ensure one thing: That accurate educational information can be provided, information that will curb high-risk behavior and the spread of HIV infection. The amendment does not allow Federal funding for educational programs that promote homosexual or heterosexual activity. Either one. In that respect this amendment is neutral. I would not vote for a piece of legislation that promoted homosexual activity. I think it is also incumbent upon us not to vote for legislation that stresses heterosexual activity. This bill does neither. What it does is to try to correct the situation we have gotten ourselves into so that accurate educational information can be provided. Only then can we stop the spread of this virus or make our best attempt to do so.

Mr. President, I urge adoption of this amendment by the Senator from California and urge all my colleagues to join me in that effort. I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California, Mr. CRANSTON.

Mr. CRANSTON. Mr. President, I thank the Senator from Ohio for his very fine statement on this very delicate and very tragic situation.

The Senator from Ohio, as chairman of the Governmental Affairs Committee, has done an excellent job in gathering hard data from public health officials throughout the country on adverse effects of interfering with their important work in combating AIDS and supporting groups who are seeking to do so and seeking to educate Americans on how to avoid the plague of AIDS.

Mr. President, this is an issue that we have debated at great length not just today but on a good many other days. The amendment that I have offered, which was ruled to be germane to this measure, is similar to the one which was adopted on April 28 after considerable debate. By a 61 to 29 vote, the motion to table the amendment was rejected. Then it was adopted overwhelmingly by a voice vote.

This amendment now pending deals with the issue of AIDS in a very reasonable, measured, and prudent way. It would restrict the use of Federal funds so they are not used—I emphasize "not used"—to promote sexual activity of any kind, but it would ensure that these funds are used to help reduce the spread of the deadly AIDS virus.

I submit that is what we must do. That is what the Senate has made plain it recognizes that we must do. That is what this amendment will permit us to do.

Mr. WILSON. Mr. President, I am suffering a very sore throat which makes it difficult and painful even to swallow, and even more so to speak. Accordingly the Senate will suffer less as my sore throat urges brevity.

Our purpose on this floor should be to do what we can to prevent the spread of AIDS infection. It ought not to be our purpose to promote or encourage drug use or sexual activity.

But where a significant part of our population has chosen to engage in IV drug use or homosexual activity, which involves a high risk of transmitting the AIDS virus, our first concern must be to prevent the spread of AIDS infection by education.

It is possible to modify the behavior of people who have made the choice of homosexuality or IV drug use so that their activities do not carry nearly so high a risk as otherwise to other homosexuals or IV drug users—or to presently uninfected heterosexual partners.

Education can stop the spread of infection. The marked decline in the projected rate of infection within the San Francisco gay community is attributed by AIDS experts in that city to a very successful prevention education program there.

Those who have not chosen homosexuality or IV drug use are far less likely to be influenced to make that choice by educational materials that warn of the risk of AIDS infection from such activity without the prescribed precautions, than confirmed gays and IV users are likely to be influenced to modify their behavior to avoid infection.

And that means that those who are so influenced and do modify their behavior, because of preventive education, will increasingly save not only their own lives but the lives of countless others not engaged in gay sex or IV drug use.

Saving those lives, Mr. President, is a compelling reason to support the Cranston amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California [Mr. CRANSTON].

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

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from North Carolina.

Mr. HELMS. Mr. President, no Senator has given a response yet. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

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

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

The question is on agreeing to the amendment of the Senator from California [Mr. CRANSTON]. 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 Texas [Mr. BENTSEN] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—61

Adams	Glenn	Nunn
Baucus	Gore	Packwood
Bingaman	Graham	Pell
Boren	Harkin	Proxmire
Bradley	Hatch	Pryor
Breaux	Hatfield	Reid
Bumpers	Heinz	Riegle
Burdick	Hollings	Rockefeller
Byrd	Inouye	Rudman
Chafee	Johnston	Sanford
Chiles	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Conrad	Lautenberg	Simon
Cranston	Leahy	Specter
D'Amato	Levin	Stafford
Daschle	Matsunaga	Stennis
Dodd	Melcher	Weicker
Durenberger	Metzenbaum	Wilson
Evans	Mikulski	Wirth
Exon	Mitchell	
Fowler	Moynihan	

NAYS—37

Armstrong	Hecht	Pressler
Bond	Heflin	Quayle
Boschwitz	Helms	Roth
Cochran	Humphrey	Shelby
Danforth	Karnes	Simpson
DeConcini	Kassebaum	Stevens
Dixon	Kasten	Symms
Dole	Lugar	Thurmond
Domenici	McCain	Tribble
Ford	McClure	Wallop
Garn	McConnell	Warner
Gramm	Murkowski	
Grassley	Nickles	

NOT VOTING—2

Bentsen	Biden

So the amendment (No. 2694) was agreed to.

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

Mr. WEICKER. 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 North Carolina.

Mr. HELMS. Mr. President, a call for the regular order means that the Helms pending amendment will be the pending business; is that correct?

The PRESIDING OFFICER. That is the pending business.

Mr. HELMS. I call for the regular order.

The PRESIDING OFFICER. The business of the Senate is the Helms amendment.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2661, AS MODIFIED

Mr. HELMS. Mr. President, I send a modification to that amendment inasmuch as the yeas and nays have not been obtained.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

The amendment will be so modified.

Mr. HELMS. I think it would be well to read the modification so it will be clear what it is.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 2661, as modified, to the committee amendment on page 30, line 7.

On page 30, line 7, strike all after the word "of" and insert in lieu thereof the following:

SEC. . Which $2,500,000 shall be available only for the Frederick Cancer Research Facility. None of the funds provided under this Act or an amendment made by this Act under the heading "Centers for Disease Control" in title II, for public education and information programs regarding AIDS, shall be provided in any State unless the chief executive officer of such State provides prior written assurances to the Secretary of Health and Human Services that by January 1, of the calendar year following the first regular session of the legislative body of such State, the State shall require that a "good faith" effort be made to such a spouse of an AIDS-infected patient.

(b) If the State fails to require such notification by January 1 of the calendar year following the first regular session of its legislative body, the State shall return to the federal government on that date such sums as it receives for AIDS public education and information programs, in accordance with this section.

(c) As used in this section—

(1) the term "State" means a state, the District of Columbia or any territory of the United States;

(2) the term "Spouse" means a spouse who is or at any time since December 31, 1976 has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(3) the term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such state to be infected with the human immunodeficiency virus.

Mr. HELMS. Mr. President, I have one further modification. I inadvertently left out the word "notify" and the clerk needs to write that in.

The PRESIDING OFFICER. The Senator's amendment will be further modified.

Mr. HELMS. I thank the Chair and apologize for the inadvertence.

The amendment (No. 2661) as further modified is as follows:

On page 30, line 7, strike all after the word "of" and insert in lieu thereof the following:

SEC. . Which $2,500,000 shall be available only for the Frederick Cancer Research Facility. None of the funds provided under this Act or an amendment made by this Act under the heading "Centers for Disease Control" in title II, for public education and information programs regarding AIDS, shall be provided in any State unless the chief executive officer of such State provides prior written assurances to the Secretary of Health and Human Services that by January 1, of the calendar year following the first regular session of the legislative body of such State, the State shall require that a "good faith" effort be made to notify such a spouse of an AIDS-infected patient.

(b) If the State fails to require such notification by January 1 of the calendar year following the first regular session of its legislative body, the State shall return to the federal government on that date such sums as it receives for AIDS public education and information programs, in accordance with this section.

(c) As used in this section—

(1) the term "State" means a state, the District of Columbia or any territory of the United States;

(2) the term "Spouse" means a spouse who is or at any time since December 31, 1976 has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(3) the term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such state to be infected with the human immunodeficiency virus.

Mr. HELMS. Mr. President, this amendment should not be difficult for anyone to understand. It will require that prior to providing Federal funds for AIDS public education and information in any State, the State's chief executive officer must give written assurances that the State will take administrative or legislative action to require that a "good-faith" effort will be made to notify the wife or husband of a person testing positive for the AIDS virus.

Let me tell you why I drafted this amendment. Several months ago, a young woman on the House side called and asked if I would see her mother, that she had a very important matter to discuss with me.

I did not know the young lady. Of course, I did not know the mother. They came and they were delightful, attractive, poised people. After the usual amenities, I said, "What can I do for you?" The mother said, "Senator, I have AIDS."

I did not say anything for a moment. Then she said, "I know you want to understand how I got AIDS."

And then, Mr. President, she related and detailed the story of her husband who had contracted AIDS years before but never told her. She knew his doctor but the doctor was prohibited by State statute from telling this lady about the grave risk that she was running.

That suffices as to motivation for this amendment.

I wish I could relate some of the other details but I will not.

I made up my mind, Mr. President, that I was going to do everything I could to eliminate this travesty. Confidentiality is important, but when the life of a spouse is involved, confidentiality takes second place in my book.

Contact tracing, which is what we are talking about, is nothing new. For years many States have required that sex partners of individuals infected with a venereal disease be notified. Notification is done to enable potentially infected individuals to seek testing and treatment.

On top of that, Mr. President, some States recognize a common law physician's duty to warn, notwithstanding patient-physician confidentiality.

Since the 1976 California court decision, Tarasoff versus Regents of the University of California, some jurisdic-

tions have recognized a physician's duty to warn third parties, especially family members, in cases where a patient poses a danger to their health and safety. The Tarasoff case dealt explicitly with the psychologist's duty to warn family members about a patient's psychiatric condition. However, in some jurisdictions this duty to warn has also been extended to physical conditions, including contagious diseases that pose a threat to health and safety.

The court in the Tarasoff case stated:

> The public policy favoring protection of the confidential character of patient-psychotherapist communications must yield to the extent to which disclosure is essential to avert danger to others. The protected privilege ends where the public peril begins.

And that just about says it all, Mr. President. I cannot think of any statement with which I have been in greater agreement than that one.

Mr. President, the AIDS virus is one of the greatest, if not the greatest, public perils of our time. As of July 18, more than 60,000 Americans have AIDS. Those are the ones we know about. How many there are that we do not know about is left to speculation. We really do not know how many people are infected. The figure ranges from 500,000 to 8 million, depending on who is making the estimate. The Public Health Service estimates 1½ million.

Right now, unfortunately, Mr. President, increasing evidence shows that everyone who contracts the AIDS virus will eventually die.

The lady who came to my office, she will die because nobody told her about her husband having AIDS. Her doctor did not tell her. Her husband, damn his soul, did not tell her. So this lady will die, an innocent victim.

Current research indicates, Mr. President, that the virus is spread primarily through the exchange of body fluids. So, if one agrees with the principle that, in limited circumstances, the public has a right to know that it is in danger of contracting a disease, I doubt, Mr. President, that one can argue that a spouse does not have the right to know if his wife or her husband is infected with the deadly AIDS virus.

Mr. President, for years, we have been hearing from the vocal minority whose members have proclaimed themselves to be the victims of the AIDS epidemic. They said they needed money to educate their members. The Congress responded by appropriating hundreds of millions of dollars for what they call safe sex. And there is no such thing, when you get to the AIDS virus. They opposed all efforts to treat AIDS, as we have traditionally treated every other venereal disease in history. And the States responded by refusing to impose traditional measures, such as reporting the HIV infections. Premarital testing went out the window. Contact tracing, forget it.

This vocal crowd, this vocal minority was not satisfied with the confidentiality standards on the books. Oh, no. They demanded ironclad confidentiality laws, and in some States they got them, laws which impose criminal penalties on physicians who report a person's HIV status to anybody, including the wife or husband, as the case may be, and as the case was in the instance of that lovely lady who came to my office.

Have these laws benefited this politically organized few, Mr. President? Maybe. I guess so. Have they promoted public health? Absolutely not. If you think they have promoted public health, ask that lady who sat there and said, "I have AIDS," knowing that she is going to die from it as matters stand now.

This lady who came to my office, as I said earlier, was a most attractive lady. She had a beautiful daughter. I saw the heart-wrenching emotion in their faces as they began to tell about this lady's husband and this young woman's father. I remember thinking about how young the mother looked. She is about 60 years old and she does not look a day over 40. She was a classy lady. She was a decent lady. She was an honorable lady. She was a faithful lady.

But not her husband, Mr. President. And he was the one, not her, who was protected by a stupid law that prohibited the doctor from telling her that her husband contracted the AIDS virus many years ago.

Now, Mr. President, the point is this: Here is a couple who were married, as I recall, 37 years ago. And all this time he had been a philandereer and he had been a homosexual, but she did not know it. Now, he knew about his infection because his doctor told him. But he did not tell his wife. He had no spark of decency about him. And the doctor could not, under the law, report this to the wife.

I said, "Well, where is your husband now?" "He is gone," she said. "He is living in a homosexual community."

Mr. President, after that lady left, I recall asking my staff to bring me in the relevant statutes. I could not believe what I saw. The State statute lists the people who must be notified about the individual's infection. Do you know who they are?

The blood bank. Yes; that is good. A funeral director. By all means, let us protect the funeral directors, and I think we should. An emergency worker. But not the wife or the husband of an infected spouse.

Of course, I am a little emotional about this thing because I am the guy who sat there and talked to this body. I remember thinking: You are going to die, through no fault of your own. And I remember later pondering: Just suppose the doctor had not been restrained from telling her or just suppose that her husband had had the decency to fess up. This lady would not now be one of those statistics that I was talking about awhile ago. She would not be one absolutely targeted for death. Her children would have a mother and her grandchildren have a grandmother. And I might add, at the risk of being described, as I often am, as moralistic, if they had a father who was worth a damn, he would not have gotten AIDS. Yes; I feel strongly about it. But this lady is going to be denied the right to live. Her grandchildren are not going to see her much longer; her children will not see her much longer; and she will not be able to enjoy them.

So, Mr. President, there is the reason for this amendment. This woman, and many like her, are the real victims of the AIDS epidemic. They have not engaged in the so-called high-risk activities, which I call perversity, which have placed these people at risk in contracting the deadly AIDS virus. Yet, the proponents of these laws, the State legislatures which bowed to political pressure, said that these spouses had no right to know.

This amendment is very, very simple. It will not require States to notify spouses. It simply says to a State: If you want Federal money under this statute, you must also take legislative and administrative action to make a good-faith effort to notify a patient's spouse, husband or wife, as the case may be, about the infected husband or wife, as the case may be.

I wondered how many people might agree with me on this. I mentioned it in some speeches around the country, and I found overwhelming support. The mail has just poured in.

Mr. President, I saw an article in the June edition of a magazine, Public Opinion, reporting that 70 percent of the Americans surveyed believe that public agencies should be allowed to trace the sexual partners of people who test positive for AIDS; 70 percent. And you can count me in that 70 percent because I am solid in there. Surely, Mr. President, it would be far more than 70 percent if you were not talking about sexual partners, in this round robin thing that the new morality has provided for this generation. If the question was whether spouses should be told about their husbands or their wives, as the case may be, I think it would be close to 100 percent.

Mr. President, the American people understand that in some cases privacy rights need to take a back seat to public health. And if there ever was a case, this is it. Because we are talking about the right to continue living, in

the instance of the lady who came to my office and in so many others.

So, I conclude by sharing just a few more words that this lady spoke to me. At one point she could not control herself and she was weeping and she said: Senator, my life now is almost over. But I am here today, Senator, because I feel that if I can help protect other wives or husbands to avoid becoming infected with the AIDS virus—the way that she was infected, she could make some sense out of all of this. So, that is why she came to Washington. That is why she asked to see me. And that is why she bared her soul.

She is reaching out, crying out: do something for the innocent; and I think we ought to heed her call and that is why I have offered this amendment and I hope the Senate will approve it.

Mr. CHILES. Will the Senator yield for just a moment? I would like to ask the Senator just a couple of questions, if I might.

Mr. HELMS. Surely.

Mr. CHILES. One is, just for clarification because it sounds like what the Parliamentarian—that the Senator's amendment does have the effect of wiping out the amendment that we spent an hour and a half on. Which is all right. I mean, that is fine; but I want to kind of know that—or whether the Senator knows that. Maybe he does. I see a little twinkle in his eye. Maybe he has answered my question.

The other thing——

Mr. HELMS. Let me say to the Senator I am aware of that. I am also aware that I can offer it again, you know.

Mr. CHILES. I understand that. And the Senator from Florida is also aware that the other side can offer their amendment again.

Mr. HELMS. That is right.

Mr. CHILES. More than having a strong opinion, which I perhaps have on some of these subjects, I also have another motive of trying to some way move this bill along so the questions that we decide are somehow decided. Or, if we fight—I know the Senator has another amendment that he is going to offer at some time which maybe changes their language and whether it should be fought at that time or whether it should be fought now—all right, that is one answer.

The other thing, the question of the Senator from Florida is: As I read this now, I listen to the argument of the Senator and much on the merits was persuasive to me, necessity of notice being out there to the spouse. But as I read this—and maybe you can just correct me, maybe I am reading it wrong—other than looking at the part that is in quotes, the "good-faith effort to be made to such a spouse of an AIDS-infected patient"——

Mr. HELMS. Well, I modified it further, to—will the clerk read the amendment? The Senator is right, but I modified it.

Mr. CHILES. It has been now added again?

Mr. HELMS. Yes; I think the modification that I sent to the desk said it would require that a good-faith effort be made to notify such a spouse. Is that the way it reads?

The PRESIDING OFFICER. That is the further modification.

Mr. HELMS. I thank the Chair.

Mr. CHILES. That is better. I wonder, is there any kind of good-faith effort—to notify of what?

Mr. HELMS. To such a spouse of an AIDS-infected patient.

Mr. CHILES. Yes, sir; I do not mean to be technical but I think as long as you said you notified them, the notice could be of—I do not know what we are notifying them about.

Mr. HELMS. I think the amendment is perfectly clear but if the Senator wants to add something to it; fine.

Mr. CHILES. No, sir; if the Senator is satisfied with the amendment.

Mr. HELMS. Sam Erving used to say, the King's English speaks for itself. Anybody reading it—I do not mean this the way it may sound——

Mr. CHILES. I just think, since the Senator feels so strongly about this subject, and I heard what he said about the lady that came to his office, I would think he would want to make sure that he is sure what the heck she is being notified about. I would not think she was getting notice in the mail—that she was getting notice of the fact that her husband was carrying AIDS.

Mr. HELMS. I will be glad to accept any modification the Senator has in mind.

Mr. CHILES. Mr. President, the question has been answered now that this amendment does have the effect of wiping out the amendment that we spent almost 2 hours in putting down. I think under those circumstances this amendment, just to wipe out that—I think I would move to table the amendment of the Senator from North Carolina and ask for the yeas and nays so we can——

Mr. HELMS. Mr. President, would the Senator withhold just a bit?

Mr. CHILES. Yes, sir.

Mr. SANFORD. Mr. President, I rise in opposition to the amendment to the Labor, Health and Human Services, and Education appropriations bill under consideration which would prohibit the use of Federal funds for AIDS education materials that its proponents contend "promote" homosexuality or illegal activities.

To put this amendment in its proper context, I alert my colleagues to the fact that in the 3 months since we last considered AIDS legislation, 4,255 Americans have died from AIDS, while nearly 7,000 new cases of the disease have been reported. Thus, to date 37,535 Americans have died from AIDS, and nearly 60,000 cases have been reported. I offer these grim statistics to underscore that what we are talking about here—plainly and simply—is human lives. And I for one do not differentiate between the value of an individual whether homosexual or heterosexual, drug-user or not, and will take any step necessary to protect these lives. I am alarmed by this amendment that formulates our Nation's public health policy on the basis of our personal affinity—or lack thereof—for those at risk from a given disease.

Our object is to stop the spread of AIDS, despite the alarming rate at which this disease is spreading, again and again we distort the debate on AIDS policy as a debate on morality and propriety. I believe this is wrong. In addressing as serious a threat as AIDS, our priority must be, first and foremost, to protect the public interest and the public welfare. It would be a sorry day indeed if we were to sacrifice the life of a young man or woman—or of a small child or infant—by encumbering this appropriations bill with restrictions on AIDS education materials that have not so much to do with our Nation's public health, than with our own private views and beliefs.

We have learned a great deal during the time this amendment was first offered to last year's Labor-HHS-Education appropriations bill. Under that amendment, the Centers for Disease Control were prohibited from funding organizations that "promote or encourage" homosexual sexual activities. I supported that amendment.

Since last year's bill, however, it has become clear that the amendment had a far greater impact than anticipated. The fear of violating Federal guidelines caused community-based AIDS service organizations to cease producing materials specifically geared to high-risk groups. Instead, they have relied on less explicit and, consequently, less effective materials. Furthermore, as a direct result of the furor caused by the amendment, even those organizations which do not receive Federal funds and are, therefore, not subject to the amendment's restrictions, altered the content of their AIDS education materials and their methods of outreach to high-risk groups.

Having learned of the harmful consequences of this amendment, I voted against a similar amendment when the Senate debated S. 1220, the AIDS appropriations bill, and I will do so again today. We are not here to express disgust. We are trying to stop the spread of AIDS.

The onerous effect of restricting AIDS education materials was highlighted in the poll of local health departments conducted by the Senate

Governmental Affairs Committee. Of the 42 States, 3 cities, and 1 territory that responded, one-half criticized this provision and stated that the amendment impeded their ability to provide effective AIDS education. In North Carolina, for example, one community-based organization has decided not to apply for Federal funds rather than be subject to the restrictions of the amendment, while others have expressed great concern over the amendment's interpretation and impact.

In considering AIDS policy, we simply do not have the luxury to be squeamish with respect to education materials. According to the National Academy of Sciences, "efforts to stifle candid materials that discuss safer sexual practices and that are targeted at appropriate audiences may take a toll in human lives."

The importance of explicit AIDS education efforts in combating this disease was also recognized by the President's AIDS Commission. The Commission reported that while AIDS education materials should discourage promiscuous sexual activity and the benefits of abstinence and monogamy, these materials "need to be explicit in nature so that there is no confusion about how to avoid acquiring or transmitting the virus." Surely, the Presidential Commission, which considered the testimony of 550 witnesses, held 43 days of hearings, conducted numerous site visits has expertise in this area to which we in this Chamber should pay heed.

As a society, it has sometimes been too easy for us to close our eyes and perhaps even our hearts to the needs and concerns of people with AIDS because of our attitudes toward homosexuals and drug users. While we may disapprove of these groups or feel uncomfortable with the explicitness of certain education materials, this is not sufficient reason to restrict the professionally prepared information received by those most at risk from the disease. If AIDS education materials stops the spread of this deadly disease—and I believe it will—then detailed, accurate, and, if need be, graphic AIDS education materials will have proven the right approach to this most serious public health threat.

I urge my colleagues to join in the effort to save lives.

Mr. LEVIN. Mr. President, our goal should be to stop the spread of the AIDS virus. This amendment could undermine that goal by threatening to hold up AIDS education funding. By conditioning this funding on actions taken by the Governors of the States with respect to spousal notification, this amendment raises the prospect that AIDS education for an entire State could be held up if the Governor does not attempt to institute a program of spousal notification.

I believe that there should be a requirement that individuals be notified if their spouse carries the AIDS virus, but we should legislate that requirement directly. We should not tie that requirement to AIDS education funding, thereby jeopardizing the education programs that are essential to any comprehensive program to stop the spread of AIDS.

AMENDMENT NO. 2661, AS FURTHER MODIFIED

Mr. HELMS. Just to satisfy the point the Senator made, I send a further modification to the desk and ask that the clerk read it. That covers the point.

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 2661, as further modified.

On page 30, line 7, strike all after the word "of" and insert in lieu thereof the following:

which $2,500,000 shall be available only for the Frederick Cancer Research Facility. None of the funds provided under this Act or an amendment made by this Act under the heading "Centers for Disease Control" in title II, for public education and information programs regarding AIDS, shall be provided in any State unless the chief executive officer of such State provides prior written assurances to the Secretary of Health and Human Services that by January 1, of the calendar year following the first regular session of the legislative body of such State, the State shall require that a "good faith" effort be made to notify such a spouse of an AIDS-infected patient that the AIDS-infected patient is infected with the human immunodeficiency virus.

(b) If the State fails to require such notification by January 1 of the calendar year following the first regular session of its legislative body, the State shall return to the federal government on that date such sums as it receives for AIDS public education and information programs, in accordance with this section.

(c) As used in this section—

(1) the term "State" means a state, the District of Columbia or any territory of the United States;

(2) The term "Spouse" means a spouse who is or at any time since December 31, 1976 has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(3) the term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such state to be infected with the human immunodeficiency virus.

Mr. HELMS. I thank the Senator.

Mr. CHILES. I am happy to accommodate the Senator. I am happy he made that modification.

I do not prejudge what we should be doing with that amendment. I do not think this vote should prejudge that. I think the body should understand the effect of this amendment is to wipe out the one on which we first had a question of germaneness. The body decided that question by a majority. Then we had a question on the passage of the amendment itself, and the body decided that. We moved to reconsider and laid that motion on the table. We are coming back to an amendment the effect of which is to wipe out that amendment.

I know what will happen is that amendment will be put back on if we wipe it out here and we go through that same debate again. I do not know how we ever face up to that. Perhaps one way of doing it is a tabling motion.

Mr. HELMS. Is the Senator moving to table?

Mr. CHILES. I have not yet moved. I move to table the Helms amendment, 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 clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. ADAMS] and the Senator from Texas [Mr. BENTSEN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—49

Baucus	Glenn	Moynihan
Bingaman	Gore	Nunn
Bond	Graham	Packwood
Bradley	Harkin	Pell
Breaux	Hollings	Proxmire
Bumpers	Inouye	Pryor
Burdick	Johnston	Riegle
Chafee	Kennedy	Sanford
Chiles	Kerry	Sarbanes
Cochran	Lautenberg	Simon
Cranston	Leahy	Stafford
Daschle	Levin	Stennis
Dodd	Matsunaga	Warner
Durenberger	Melcher	Weicker
Evans	Metzenbaum	Wirth
Exon	Mikulski	
Fowler	Mitchell	

NAYS—48

Armstrong	Hatch	Pressler
Boren	Hatfield	Quayle
Boschwitz	Hecht	Reid
Byrd	Heflin	Rockefeller
Cohen	Heinz	Roth
Conrad	Helms	Rudman
D'Amato	Humphrey	Sasser
Danforth	Karnes	Shelby
DeConcini	Kassebaum	Simpson
Dixon	Kasten	Specter
Dole	Lugar	Stevens
Domenici	McCain	Symms
Ford	McClure	Thurmond
Garn	McConnell	Trible
Gramm	Murkowski	Wallop
Grassley	Nickles	Wilson

NOT VOTING—3

Adams	Bentsen	Biden

So the motion to table amendment No. 2661, as further modified, was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

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

Mr. HELMS. No. Mr. President, I ask for the yeas and nays.

Mr. WEICKER. Parliamentary inquiry. Did the Chair already rule on the matter?

Mr. HELMS. He did not finish.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I suggest the absence of a quorum.

Mr. BYRD. The Senator got a second.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. ADAMS] and the Senator from Texas [Mr. BENTSEN], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 265]

YEAS—51

Baucus	Fowler	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gore	Moynihan
Boren	Graham	Nunn
Bradley	Harkin	Packwood
Breaux	Hollings	Pell
Bumpers	Inouye	Proxmire
Burdick	Johnston	Pryor
Chafee	Kassebaum	Riegle
Chiles	Kennedy	Sanford
Cochran	Kerry	Sarbanes
Cranston	Lautenberg	Simon
Daschle	Leahy	Stafford
Dodd	Levin	Stennis
Durenberger	Matsunaga	Weicker
Evans	Melcher	Wilson
Exon	Metzenbaum	Wirth

NAYS—46

Armstrong	Hatfield	Reid
Boschwitz	Hecht	Rockefeller
Byrd	Heflin	Roth
Cohen	Heinz	Rudman
Conrad	Helms	Sasser
D'Amato	Humphrey	Shelby
Danforth	Karnes	Simpson
DeConcini	Kasten	Specter
Dixon	Lugar	Stevens
Dole	McCain	Symms
Domenici	McClure	Thurmond
Ford	McConnell	Trible
Garn	Murkowski	Wallop
Gramm	Nickles	Warner
Grassley	Pressler	
Hatch	Quayle	

NOT VOTING—3

Adams	Bentsen	Biden

So the motion to lay on the table the motion to reconsider was agreed to.

(Later the following occurred:)

Mr. CONRAD. Mr. President, I again seek unanimous consent to change my vote on the last recorded rollcall. I voted "aye." I intended to vote "nay" and I ask unanimous consent to have the vote so recorded.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. It does not affect the outcome of the vote. My understanding is both the minority leader and the majority leader would accept that motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. WEICKER. Mr. President, I would like to take a few minutes, if I may, to address my colleagues.

I wonder if I might have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

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

Mr. WEICKER. I yield.

Mr. CONRAD. Mr. President, I seek unanimous consent to change my vote on the last vote. It will not change the outcome. I had a misunderstanding as to the vote as I entered the Chamber, and I seek unanimous consent to change my vote in accord with my views.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object—and I will not object—I would want to check with the majority leader.

Mr. CHILES. He has voted.

Mr. DOLE. It does not change the outcome. I think they have gone to check with the majority leader.

I wonder if we might withhold this.

Mr. WEICKER. Will the distinguished Senator withhold until I make my remarks? The only reason I mentioned it to the minority leader was that there might be some objection on the part of the majority leader, as a matter of precedent, and I wanted to make sure he will have an opportunity to be heard.

I should like to address my colleagues for 2 or 3 minutes.

We have had two matters presented to us for votes within the last hour that illustrate very well the complexities we enter as we try to be doctors and scientists and take on a role different from that of a U.S. Senator.

The fact is that the matter of spousal notification is extremely complex. It has been a subject of discussion by the American Medical Association and many other public health and medical organizations.

There is a bill pending in the Labor and Human Resources Committee which addresses this matter, but it also provides for very stringent safeguards of confidentiality and safeguards regarding the physician's role in this matter. To come along with a floor amendment and to address a huge issue such as this in a few sentences does no credit to this body or the legislation which we have before us.

Earlier we had the Cranston-Kennedy amendment, a pale version of the Helms amendment, and I have to say to all, even though I voted for it, it really is just that. It was a pale version of the Helms amendment and effectively still ties the hands or potentially ties the hands of local and State authorities to provide the education necessary to avert the tragedies of AIDS or indeed any other sexually transmitted disease.

I would hope that we would stick to this appropriations bill which supplies the much-needed funds for the various agencies of government that address science, health, education, and labor.

This is not to say that we do not have a role to play insofar as legislation on these matters is concerned but it should be done in a full-fledged debate as a matter of various authorization bills which will be before us.

I am sure there will be more amendments coming down the pipeline. I hope there would be support for the committee position and for the chairman rather than to give vent to emotion on some highly complex subjects which will have a severe impact not just on those who are suffering from AIDS, but on their families and on the medical policies of this Nation. This is no time for sloganeering or demagogery or whatever you want to call it.

This requires very precise legislating. If any bill requires precise legislating, this one does.

I understand political ramifications. We all do. But I think we just better stand up for the cause of science on these matters. I am sure that nobody will suffer retribution at the polls come November if that is the basis of their vote. In the meantime, if it is political, I do not think it will have any beneficial effect so far as votes are concerned. It will have a terribly damaging effect on science, on research and on the people who are hurting.

I just want to make those remarks in anticipation of what else lies ahead.

I yield the floor. I know that the distinguished Senator from North Dakota wishes recognition. I did not mean to preclude him. I have said what I have to say. I am glad to yield.

EXCEPTED COMMITTEE AMENDMENT, PAGE 39, LINE 9

The PRESIDING OFFICER. The question recurs on the excepted committee amendment that appears on page 39, line 9.

Mr. CHILES. I move adoption of the amendment.

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

The excepted committee amendment was agreed to.

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

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 30, LINES 14 THROUGH 19

Mr. CHILES. Mr. President, I move the following amendment, page 30, line 14:

. . . and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, $1,583,191,000, of which $4,787,000 shall be available, on a pro rata basis, for grants to the States for State comprehensive mental health services plans pursuant to title V of Public Law 99-660 (100 Stat. 3794-3797) . . .

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

The excepted committee amendment was agreed to.

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

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENTS, PAGE 32, LINES 4 AND 5, 13, AND 14

Mr. CHILES. Mr. President, on page 32, add at line 4, "and XX," and strike "$67,144,000" and add "$69,903,000"; at line 10 strike "$3,950,000" and add "$7,500,000"; at line 13 strike "$2,568,000" and add "$4,875,000"; and line 14 strike "$1,382,000" and add "$2,625,000."

The PRESIDING OFFICER. We have already adopted several of those amendments.

Mr. CHILES. I understand part of these have been previously adopted.

The PRESIDING OFFICER. Without objection, they will be considered en bloc.

Mr. CHILES. Mr. President, without objection, I move the amendments be considered and agreed to en bloc.

The excepted committee amendments were agreed to en bloc.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the excepted committee amendments were agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 33, LINES 23 THROUGH 26

Mr. CHILES. Mr. President, at page 33, line 23, strike the language after "1988," the remainder of lines 23, 24, 25, and 26.

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

The excepted committee amendment was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 34, LINE 4

Mr. CHILES. Mr. President, on page 34, at line 4, strike "$24,732,589,000" and insert in lieu thereof "$26,236,000,000".

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

The excepted committee amendment was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENTS, PAGE 35, LINES 4 AND 5

Mr. CHILES. Mr. President, at page 35, line 4, strike "$93,817,000" and insert in lieu thereof "$94,417,000" and on line 5 strike "$1,769,919,000" and insert in lieu thereof "$1,839,819,000".

I move the amendments be considered en bloc.

The PRESIDING OFFICER. The question is on agreeing to the excepted committee amendments en bloc.

The excepted committee amendments were agreed to en bloc.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 35, LINE 19 THROUGH PAGE 35, LINE 3

Mr. CHILES. Mr. President, at page 35, line 19, add:

Provided further, That for the purposes of conducting a pilot test of the Health Care Financing Administration's proposal for providing administrative law judge hearings to Medicare beneficiaries, a maximum of ten qualified persons who meet the requirements for administrative law judges appointed under 5 U.S.C. 3105 may be appointed at the GS-14 grade level to conduct hearings under titles XI and XVIII but such appointments shall terminate not later than March 31, 1990: *Provided further,*

I urge adoption of the amendment.

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

The excepted committee amendment was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HUMPHREY addressed the Chair.

Mr. CHILES addressed the Chair.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield?

Mr. CHILES. I am happy to yield.

Mr. HUMPHREY. At some point I would like to offer an amendment. I think it will be accepted.

Mr. CHILES. I missed that.

Mr. WEICKER. He has an amendment we are going to accept.

Mr. CHILES. I will be happy to let the Senator proceed right now.

AMENDMENT NO. 2695

(Purpose: To prohibit the use of funds made available under the Act to waive the minimal risk standard for research on live human fetuses)

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

Is there an amendment pending?

The PRESIDING OFFICER. There is an amendment pending.

Is there objection to the offering of the amendment? Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 2695.

At the appropriate place, insert the following new section:

SEC. . None of the funds made available under this Act shall be used to waive the minimal risk standard for fetal research.

Mr. HUMPHREY. Mr. President, this amendment is in regard to fetal research. The amendment would extend the moratorium on research using live, unborn human beings for the duration of fiscal year 1989.

Since the 1960's, research and experimentation has been conducted using live prenatal human beings.

Were it otherwise—were the unborn child not a human—I doubt we would care as much or at all about the subject of the experimentation. But the prenatal infant is a human being, and it is living. And experimentation on that infant should proceed carefully, if at all.

This principle has already been incorporated into existing law providing substantial restrictions on fetal experimentation. The pending amendment would extend this policy.

Currently, dead infants, whether intentionally or spontaneously aborted, are covered by virtually no Federal protection. State regulations are heavily relied on to restrict such research.

Research on live infants is regulated under a complex Federal system providing that research may only be conducted on live infants where there is minimal risk to the child, among other procedural requirements.

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This minimal risk standard may be waived by the Secretary under certain circumstances, allowing potentially hazardous experimentation to be conducted.

However, legislation passed in 1985, which will expire on October 31, 1988, provides for a temporary moratorium on such waivers, which effectively bans experimentation on live infants.

During the moratorium, the Biomedical Ethics Board is charged by statute with reviewing various aspects of fetal research—including the exact meaning of "minimum risk," a definition of death, and further guidance on when waivers may be justified.

That balance is about to be upset. As the Biomedical Ethics board prepares to begin work on its statutorily mandated fetal research report, the moratorium is set to expire—jeopardizing this whole arrangement and jeopardizing the lives and health of uncounted unprotected prenatal human beings.

My amendment focuses on this moratorium on waivers, and extends the moratorium through the end of fiscal year 1989, pending the report from the Biomedical Ethics Board.

The amendment would not interfere with the pending report being prepared by the NIH panel investigating transplants of tissue from presumably dead infants. The amendment, other than perpetuating current policy pending further study, is not intended to alter existing regulations or statute.

Mr. WEICKER. Mr. President, the amendment is consistent with language included in the NIH reauthorization bill recently reported out of the Labor and Human Resources Committee. The amendment is acceptable on this side.

Mr. CHILES. Mr. President, my understanding was that this amendment was acceptable. I now hear that one of the Senators on our side, the Senator from Tennessee, has some concern and wants to have a chance to look at the amendment.

I wonder if the Senator would agree that we could temporarily set this amendment aside and let the Senator from Tennessee look at the amendment. I think perhaps when he understands this is language similar to what is in the NIH authorization bill that objection will not materialize. I do not know.

Other than that, I believe the Senator from Florida would have to put in a call for a quorum, which I hate to do because we would like to move the bill along.

Mr. HUMPHREY. I would not object to such a request, Mr. President, if I have assurances that when the matter is cleared up that the amendment would be considered.

Mr. CHILES. Mr. President, I ask that we temporarily lay the amendment aside.

Mr. HUMPHREY. As long as the amendment will be considered in a timely fashion, once the question is cleared up.

Mr. CHILES. I assure the Senator that it will be. I thank him for his indulgence.

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

AMENDMENT NO. 2696

(Purpose: To prohibit the use of funds on projects entailing the capture or procurement of chimpanzees obtained from the wild, and for other purposes)

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

The PRESIDING OFFICER. Is there objection? If not, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER], for himself and Mr. CRANSTON, proposes an amendment numbered 2696.

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

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

The amendment is as follows:

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

SEC. . (a)(1) In enacting this section Congress hereby—

(A) recognizes the national and international legal protection granted chimpanzees under the Endangered Species Act and the Convention on International Trade of Endangered Species, to which the United States is a signatory, and also the World Health Organization's Policy Statement on Use of Primates for Biomedical Purposes, all of which acknowledges the threatened or endangered status of the chimpanzee; and

(B) acknowledges that substantial public monies are already being expended on a National Chimpanzee Breeding and Research Program in the United States.

(2) No funds appropriated under this Act or any other provision of law shall be used by the National Institutes of Health, or any other Federal agency, or recipient of Federal funds and be expended on any project that entail the capture or procurement of chimpanzees obtained from the wild.

(b) For purposes of this section, the term "recipient of Federal funds" includes private citizens, corporations, or other research institutions located outside of the United States that are recipients of Federal funds.

Mr. MELCHER. Mr. President, the amendment I am offering today on behalf of myself and Senator CRANSTON is a very simple amendment. It will close a loophole in the law to preclude using Federal funds for research using chimpanzees that are taken from the wild in violation of the Convention on International Trade of Endangered Species.

The United States became a signatory to this convention, which is called CITES, in 1973. Due to the dwindling populations of chimpanzees in the wild, CITES effectively banned any further importation into the United States for research purposes.

The National Institutes of Health established a National Chimpanzees Breeding and Research Program in 1986 to meet the needs of the research community, primarily for hepatitis and AIDS research.

Currently, there are 327 suitable breeding chimps in this program, and NIH estimates that 35 animals a year will be available for research by 1990. Dr. Wyngaarden, the Director of NIH, has assured me that the United States has an adequate level of chimpanzees to meet our research needs and there is no reason to import more.

The only real source of chimpanzees in the wild is Africa. For capture purposes, mature chimps are not desirable because they are more difficult to handle and are less likely to adapt to life in a research facility.

Infants ranging from 6 months to 6 years are sought for capture purposes. Since chimps are social animals with strong maternal bounds, it is rare that these youngsters are found without adult supervision. The usual way to capture these chimpanzees is to kill the infant's mother and any other adults in the area who normally come to the victim's aid.

It is for this reason that the convention, of which we are signatories, was adopted. We are not going to involve ourselves in any way as a country in capturing chimpanzees. But some of the money that is appropriated by NIH is used in laboratories for research purposes abroad. There is some question about whether or not some participants in research in a foreign establishment might participate in capturing some chimps in the wild. To preclude that from happening as much as we can, this amendment also goes to refusing or making it illegal to use any of the funds in such facilities abroad that might be engaged in capturing chimpanzees in violation of this convention.

I know of no opposition to this amendment. NIH is in favor of it. I hope that it will be adopted.

Mr. CHILES. Mr. President, we have reviewed the language of the amendment of Senator MELCHER and the committee has no objection to it. The language enforces the provisions of the Endangered Species Act and of the Convention on International Trade in Endangered Species. I know the National Institutes of Health support the language and I understand that Senator WEICKER has no objection to it either.

We urge the adoption of the amendment.

The PRESIDING OFFICER (Mr. BREAUX). The question is on agreeing to the amendment.

The amendment (No. 2696) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. On the Humphrey amendment?

Mr. CHILES. Mr. President, I ask unanimous consent the Humphrey amendment be temporarily laid aside.

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

EXCEPTED COMMITTEE AMENDMENT, PAGE 38, LINE 2

Mr. CHILES. Mr. President, on page 38, line 2, strike the figure "$3,705,000,000" and insert in lieu thereof the figure "$3,820,000,000."

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

The excepted committee amendment was agreed to.

Mr. CHILES. I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 38, LINE 24 THROUGH PAGE 39, LINE 2

Mr. CHILES. Mr. President, on page 38, at line 24, aod the language:

Provided further, That notwithstanding any other provision of law, amounts appropriated by this Act for the Social Security Administration shall be used to maintain not less than 66,545 full-time equivalent positions.

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

The excepted committee amendment was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 39, LINE 9

Mr. CHILES. Mr. President, on page 39, line 9, strike the figure "$7,855,137,000" and insert in lieu thereof the figure "$8,204,337,000."

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

The excepted committee amendment was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 39, LINE 21

Mr. CHILES. Mr. President, on page 39, line 21, strike the figure "$2,644,000,000" and insert in lieu thereof the figure "$2,700,000,000."

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

The excepted committee amendment was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 39, LINE 25

Mr. CHILES. Mr. President, on page 39, line 25, strike the figure "$1,567,000,000" and insert in lieu thereof the figure "$1,187,000,000."

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

The excepted committee amendment was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 40, LINE 7

Mr. CHILES. Mr. President, on page 40, line 7, we add the following language:

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such programs, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, $92,551,000 which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes.

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

The excepted committee amendment was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENTS, PAGE 40, LINES 20 AND 23

Mr. CHILES. Mr. President, I ask unanimous consent at page 40, the following amendments be considered en bloc: At line 20, strike the figure "$354,398,000" and insert in lieu thereof "$385,864,000":

At line 23, strike the figure "$2,968,000" and insert in lieu thereof the figure "$3 million."

The PRESIDING OFFICER. Is there objection to the excepted amendments being considered en bloc? The Senator from North Carolina.

Mr. HELMS. I object.

EXCEPTED COMMITTEE AMENDMENT, PAGE 40, LINE 20

Mr. CHILES. Mr. President, on page 40, line 20, strike the figure "$354,398,000" and insert in lieu thereof the figure "$385,864,000."

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

The excepted committee amendment was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 40, LINE 23

Mr. CHILES. Mr. President, on page 40, line 23, strike the figure "$2,968,000" and insert in lieu thereof the figure "$3,000,000."

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

The excepted committee amendment was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

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

Mr. HELMS. Well, I am sure he wants amendments—is the Senator at line 23 on page 40 next?

Mr. CHILES. No, I was already at page 46.

Mr. HELMS. What happened to line 23?

Mr. CHILES. Line 23 was just adopted. The Senator objected to me considering the two amendments en bloc.

Mr. HELMS. Mr. President, I suggest the absence of a quorum. I want to talk with the manager.

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

Mr. CHILES. Mr. President, I yield the floor.

Mr. HELMS. 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. HELMS. 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. HELMS. Mr. President, I further ask unanimous consent it be in order for me to offer an amendment on line 23 of page 40.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 2697

Mr. HELMS. 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 North Carolina [Mr. HELMS] proposes an amendment numbered 2697.

SEC. . None of the funds made available under this Act, or an amendment made by this Act for the Department of Health and Human Services including funds provided for under the heading grants to states for medicaid shall be used on the premises of any elementary or secondary school to provide the following: contraceptive drugs or devices, prescriptions for contraceptive drugs or devices, transportation for contraceptive drugs or devices, referrals for contraceptive drugs or devices, abortions, transportation to aid in obtaining an abortion, counseling to encourage a child to obtain an abortion, or referrals for obtaining an abortion.

Mr. HELMS. Mr. President, this amendment is similar to but not identical to an amendment I offered earlier. For the benefit of Senators who may be listening in their offices, or their staffs, this is the school-based clinic amendment.

As I said the other day, as I recall, this amendment is very simple. We always say that around this place. I do not believe I have ever heard anybody admit that his amendment was complicated. I happen to think it is not only forthright, but I am absolutely convinced that it is imperative that the Senate take stock of what is going on in the schools of America.

This amendment, simply said, will put an end to Federal subsidizing of the so-called family planning movement's assault on the American classroom. I do not overstate the case. That is what it is. It is an assault.

Specifically the amendment would prohibit any Federal funds provided under this act from being used on the premises of any elementary or secondary school to provide contraceptive drugs or devices; prescriptions for such drugs or devices; referrals for such drugs or devices; or abortion; transportation for abortion; or counseling or referral for abortion.

Mr. President, as I said in the previous discussion of this type of amendment, there is nothing goody-goody two-shoes about it. It is a matter of plain morality, and we are going to take a position one way or the other. I may get licked on this one, but that is all right. I have been licked before. Those who want to scoff at the Senator from North Carolina for raising this question, be my guest. One way or another, I want to do everything I can to make sure that the American people understand what is going on. It is not science; it is not some other esoteric thing; it is a matter of the American people realizing what is going on, in this instance in the schools of this country and on the school property of this country.

I cannot tell you how many people with whom I have talked have expressed amazement and consternation that such an activity would even be contemplated, let alone financed with Federal funds. Some of my friends still did not believe it when I told them. So I sent them some documentation, and they were absolutely outraged. I think that is the way the majority of the American people would be and will be once they comprehend.

Senators, of course, are aware, certainly in the abstract, of the teenage pregnancy problem, but it may be worthwhile to specify a few figures. Between 1971 and 1980, the number of teen pregnancies just about doubled from 8.5 to 16.2 percent in 1979. Birth rates climbed from 63,000 in the year 1970 to 290,000 in the year 1980.

Needless to say, abortions have soared into the stratosphere. They have increased from 232,000 in 1973 to 445,000 in 1980. And, yes, I am concerned about abortion and, yes, I understand the Senators would just as soon not talk about it or vote on it, but I think we need to talk about it and vote on it and pray about it, if that is still permitted in the United States. Prayer is not permitted in the classrooms of this country, which is one of problems, by the way, in the schools.

All of this—the pregnancies, the abortions—has occurred despite the fact that contraceptive use increased during the same period about 300 percent among blacks and by 1,700 percent among whites.

Recognizing the failure to curb teenage pregnancy, the planned parenthood types claim that inaccessibility to teens is one reason pregnancy rates continue to climb. They make no bones about it. To hear them tell it, the secret to curbing teenage pregnancies lies in the ability to prevent children—children as young as 11 years old—to say that it is OK; just play it safe. That is the implicit message. Teach them how to use birth control before they even become sexually active. That is what is going on in the schools of this country.

Mr. President, the schools grounds have become the kingdom and the school-based health clinic is the key to that kingdom.

A lot of people, including some Senators, do not have the foggiest notion what a school-based clinic is. It should be a familiar term around the Senate—I am not sure it is—certainly, in terms of what it is and what it does and what it is intended to do.

Mr. President, about 50, give or take one or two, so called school-based sex clinics have crept into the schools across the country—Arizona, California, Colorado, Connecticut, Illinois, Indiana, Maryland, Missouri, Michigan, Minnesota, New York, New Mexico, North Carolina, I am sad to say, Ohio, Texas, Delaware, Florida, Mississippi. The major purpose of these school-based clinics in most of these States that I just listed and in other States which are moving into this arena is to provide birth control and to teach the teenagers how to use it.

Oh, we do not teach them anything about the moral side of it. That is taboo. Certainly, you do not open the Bible and read the Ten Commandments, particularly the Seventh Commandment. That is what the school-based clinic is for, to provide birth-control information and devices, and those little packages of you know what.

Mr. President, what other message can the teenagers get from this except that, well, this kind of conduct is being condoned; it must be all right because they are kind of teaching us how to do it; 11 years old, 12 years old, 13 years old, whatever. And where has it brought us?

Mr. President, according to a publication a year ago by the support center for school-based clinics, 52 percent of these clinics prescribe birth control; 28 percent dispensed birth control devices—the little packages and other things; 20 percent referred to family planning agencies and so on.

Who is helping to foot the bill, Mr. President? And they do not even know it. Mr. and Mrs. John Q. Public, the taxpayers who fill out that 1040 every April. The parents of the children in school, the children who are being implicitly told that it is OK, go ahead and do it, but just take this little package of stuff and do it right and do it safe.

According to the 1986 report I mentioned earlier, maternal and child health block grants provided 27 percent of the money for the school-based clinics and the Early Periodic Screening Diagnosis and Treatment Program, to go by the initials of EPSDT, provides 14 precent of the money. Title X, which the Senate overwhelmingly endorsed the other day, mistakenly, in my view provides a substantial amount. Title XX of the Public Health Service Act and title XIX of the Social Security Act, commonly

known as Medicaid, provide about 2 percent, and so on.

In any case, Mr. President, all of this is money taken from the American taxpayers who really have no knowledge about what is going on, for the most part. It is a secret operation in the school. Ask the parents of children in school if they know anything about a school-based clinic. They do not know what you are talking about.

Mr. President, the parents are shut out. In some cases they are not even asked about it. They know nothing about it. So here we go. And I said the other day I did not know whether they had the equivalent of a title X program just before Rome fell, but I rather imagine they did because we are heading in the same direction. If you do not believe it, look around. But there are some parents around this country—and arithmetically it is a large number—who do know what is going on and who complain that they can get absolutely no satisfaction as a result of their protest to Members of Congress about what is going on in these school-based clinics financed by their tax dollar.

Mr. President, I think they are right in protesting. Even if I get nowhere, I protest a little bit around this place. Sometimes I get someplace and sometimes I do not. You win some, you lose some, and some are rained out. But you keep on trying. You stand up for what you think is right, and if you get kicked around, so much for that. Try again.

After all, when all is said and done, the parents of this country are primarily responsible for their children's well-being, and they are being robbed of their authority and their right to help guide their own children's behavior, social, moral, religious, and otherwise.

But one thing is for sure, Mr. President. By every statistical measurement that I have seen, school-based clinics have been anything but a quick fix, or any kind of fix for that matter, for the teen pregnancy problem. No credible evidence has been offered anywhere to suggest that these school-based sex clinics have reduced teen pregnancy rates.

As a matter of fact, Mr. President, even the strongest proponents of the School-Based Clinic Program admit failure, but you never hear anything about that. You hear all of the oratory on this floor and elsewhere, "Well, you know, we've got to do whatever we can about teenage pregnancy," but do not try anything involving morality or teaching them the rights and wrongs or parental guidance and that sort of thing.

Let us look at a few of these so-called model clinics which tax funds are paying for.

Some time back, Mr. President, there was an article in the Family Planning Perspective publication. The article was entitled "Adolescent Pregnancy Prevention Services in High School," in which the authors boasted about the decline in the fertility rate and the birth rate and the increase in the number of children using contraceptives. What are we teaching by condoning, by helping along? And we got this "feel good" sense that we appropriate money to operate things like this and assume they are going to work when they do not have a chance of working. I do not think that an increase in the number of teenage girls from 7 to 25 pursuing contraceptives and an increase in abortions is anything to boast about at all.

In a later article in this Family Planning Perspective magazine, Mr. President, the author stated that the percentage of those on birth control for the 1983-84 school year rose even higher, to 35 percent, better than one out of three, but nowhere in either article was there a conclusion by the authors that pregnancy rates have gone down because they have not.

That is the point. We are shoveling out all of this money under the most pious of pretenses, and we are just making a rotten situation worse.

Then there is the clinic in Muskegon Heights, MI, Mr. President. That fine organization, Planned Parenthood, runs that clinic, and a couple of years back they got out a little information packet, passed it around, boasting that the clinic had successfully reduced the birth rate in the high schools from 13 percent when the clinic opened to 10. Three percent 3 years later, but then the material said there was "no significant change in the pregnancy rate." But again, there we go, these girls and boys were given all these devices and told go ahead and do it, implicitly, but just use these. I am sure they must have done something like that just before Rome tumbled.

Then there is a clinic in Kansas City, Mr. President, and in this Family Planning Perspective article that I was referring to, in an article entitled "School-Based Clinics: A National Conference," a man named Gerard Kitzi, executive director of the corporation which operates the Kansas City clinic, acknowledged that despite increased use of contraceptives by teenagers in high school from 50 percent in 1983 to 64 percent in 1985, "The proportion who said that they had ever been pregnant remained about 10 percent in both years, although the proportion who reported that they had had a baby dropped slightly."

Again, Mr. President, there was an increase in the abortion rate and an increase in contraceptive use but no decrease in pregnancies. Just more use by more people, young people, teenagers, of contraceptives handed out in these school-based clinics paid for by the American taxpayers who do not know a blinking thing about it.

Mr. President, the failure stories go on and on. I would unduly delay the Senate if I went into much more detail. I guess the point of all this, Mr. President, is that the U.S. Government, this Nation of people, has pulled out all of the stops trying to curb drug use and alcohol abuse among the teenagers. Yet we are conspicuously silent in seven languages about this permissive sex which is not only condoned but being encouraged implicitly by these school-based clinics and others. We have said no to drugs. We have said no to alcohol. I think we ought to level with the young people and spell out to them what the alternatives are in terms of the fullfilment of a constructive and decent and moral life. But we are not doing that. Oh, no, it is sort of taboo to talk about things of that sort. Instead, we are handing them these little packages of you know what and saying "Now, be careful." Implicitly what the teenagers hear is "Have a good time."

I have been accused of wanting to return to traditional values, and I plead guilty. I think we need to include rather than exclude the parents in this whole process. I do not think I am ever going to understand how anybody could vote as this Senate voted on Monday to say that the parents shall be excluded from the process, a most vital process, in the development of their children and the activities of their children. But yet that is what the interpretation is in regard to the action by the Senate on Monday. I heard several radio news broadcasts about it. There was a certain amount of elation in the voices of the newscasters that HELMS had taken a licking on this thing.

Sure. We need to get drugs out of school but we need to continue to insist to schoolchildren that they should leave alcohol alone. I fully agree. But there are some other things that we ought to insist upon as well.

So in short, Mr. President, this amendment is one small step. It is merely a beginning. I propose to prohibit Federal tax dollars taken from the hard-working American taxpayers appropriated under this act and to prevent this money from being used to provide so-called family-planning or abortion services on school property. I am persuaded and we absolutely should prohibit Federal tax dollars from being used to aid and abet the contraceptive industries assault on the moral and physical well-being of the Nation's schoolchildren.

Mr. President, I think I may have put this in the RECORD once before, but whether I did or not, I want to do it again. I ask unanimous consent that the article entitled "SBC"—that means school-based clinics—"Advocate

Admits Clinics Fail To Reduce Number of Teenage Pregnancies."

I ask unanimous consent that be included in the RECORD.

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

[From the National Right to Life News, March 10, 1988]

SBC ADVOCATE ADMITS CLINICS FAIL TO REDUCE NUMBER OF TEEN PREGNANCIES

(By Richard Glasow, Ph.D., NRLC Education Director)

A spokesman for the primary proponent of school-based clinics has admitted in a speech that a preliminary study of SBCs demonstrate that they have had "no measurable impact" on teen pregnancy rates.

That startling admission undercuts the primary rationale for installing SBCs in schools—facilities which pro-lifers have shown to promote and facilitate abortions. (For an in-depth examination of SBCs, see the forthcoming book, School-Based Clinics, The Abortion Connection, which can be obtained from NRL Education Trust Fund.)

Douglas Kirby, director of research for the Center for Population Options (COP) candidly unveiled the results of a COP-sponsored study in a March 2 workshop speech at the annual meeting of the National Family Planning and Reproductive Health Association held in Washington, DC. Although he prefaced his comments during his speech on the "Effectiveness of School-Based Clinics" with the caveat that they had not "finalized" the results, Kirby stated that "I am reasonably confident that what I am going to say will hold true" when the final report is published in late summer or early fall, 1988.

Reading between the lines, one might perceive that the study did not support the conclusions that the CPO would have wanted. To its credit, CPO apparently will not attempt to either suppress or discredit entirely its own study. Kirby offered some explanations why the study did not show that SBCs reduced teen pregnancies.

But a fair reading of reasons that the school clinics had too small an impact to measure all come down to the fact that no matter how much SBCs provide in services, it will never be enough. In other words, the proponents will not admit that their program is unsuccessful in achieving its goals. They always argue that success is just "around the corner," if they could only make the program larger and even more comprehensive.

Despite the survey's apparently disappointing results, the Center for Population Options has not abandoned its promotion of SBCs. Judging from Kirby's comments at the workshop about other findings of the research project, CPO will no longer be emphasizing that SBCs can prevent teen pregnancy and will instead adopt an different approach. An example would be to underscore the provision of general health care to inner-city teens, which would be much less controversial.

Pro-lifers may take heart in the fact the SBC proponents have finally conceded that school clinics are ineffective in reducing teen pregnancies. However, this development has no bearing on the two principal right-to-life objections to SBCs—their promotion of abortion and undermining of parental rights.

Mr. HELMS. I thank the Chair.

Mr. WEICKER. Mr. President, I oppose the amendment of the distinguished Senator from North Carolina. At the appropriate moment I will have to move to table it. I find it ironic that in the course of two amendments on the floor, my distinguished colleague from North Carolina, who certainly is among the most foremost of the advocates for States rights, would in the instance of the first amendment have the Federal Government tell the States what to do. That was on the matter of spousal notification. Now in this amendment he tells the local communities, specifically the school boards, what they should do, which brings me to the first and probably the most important point as to why I object to the amendment of the distinguished Senator from North Carolina.

The fact is that school-based clinics are not an invention of the Federal Government. They are not a philanthropic organization. Rather, they are there at the instance of the local school board. It is the local school board that places these clinics in the schools. The Federal Government has nothing to do with it whatsoever. It seems to me that is exactly where the decision ought to be, in local hands. Some communities choose to do it and some do not—mind you, these are separate and apart from title X family planning clinics. The two are totally separate.

These clinics come about because the local school board has come to the conclusion that the services needed are best located within the school setting. These clinics provide a broad range of services, including treatment of minor injuries, immunizations, athletic physicals, primary health care, and yes, in some instances, they also might be involved in giving advice to teenagers vis-a-vis the matter of pregnancy, et cetera. To me, this makes uncommon sense for all those who object to family planning clinics, or the Government going ahead and giving advice. What is supposed to happen? Nothing? What about the local community? The local school board should decide the best course of action insofar as their children are concerned. If there are anything that falls in tune with the philosophy of my distinguished colleague from North Carolina and this administration, I daresay most of us on this floor say let the local school boards make the decisions, and not the Federal Government.

I might add I do not sit here divorced from this process in the U.S. Senate. I also happen to be a father. I have children age 5, two of them 9 years of age, one 10 years of age, one age 22, one age 27 and one age 30. And I have been involved in all of their lives. I want the local community, even now for my youngest, to go ahead and make those decisions to give them the information, and to give them the help that they need in the year 1988. I daresay that information and that assistance in the year 1988 for the 5-year old, the 9-year olds, and the 10-year old is considerably different than that which was needed for the 22, 27 and 30-year olds. That is the advantage of the locality making the decisions. They can adapt to new circumstances, and to new needs. That is what the school-based clinic is all about.

It is not a secret sex clinic. Really, let us stop trivializing the health of this Nation's children with these sort of sensationalistic phrases. When we were talking about title X, these phrases come up, and they continue to come up with the school-based clinics. It is agreed by everybody that if we are going to go ahead and control in any way unwanted teenage pregnancy, this has to be done at the source. I wish as I said before that families were doing this job, and in many cases they do. But where the problem lies is with the parents who are not giving that type of advice, and that is the reason why title X and family planning comes along. But in this instance, it is only one narrow aspect of the school-based health clinics might address that particular problem. These clinics encompass a whole range of health services and advice under the control of the local school board.

If there are those who say the Federal Government should have no role, who does this job? Who does it? Are we being told here is nobody does it? Or is it 100 Senators who want to go ahead and do the job in absentia in every community in the United States?

This trend, I might add, is just like the trend in medicine as a whole, to bring it down to the smallest, most personal type of unit, just as in the case of mental health. We have gone from institutions to community-based settings. Now what we are saying in the case of the health of our youngsters, as we are moving away from a Federal program to local programs.

These clinics—and I repeat to my colleagues, for those who are off the floor—are always developed with the approval of the local school board, and with the input coming from parents and other community members. The decision as to what services each clinic will offer are determined at the local level. If school boards and parents do not want to offer family planning services, they are under absolutely no obligation to do so.

While there are Federal maternal and child health funds, as well as Medicaid funds, which go to these clinics, no title X funds are being expended—not surprising, since few clinics offer family planning services.

If adopted, this amendment would severely diminish the community's

flexibility to initiate local programs, to address the problems of teen pregnancy and inadequate prenatal care among adolescent mothers.

There are communities where that is the prime concern, and it is a valid concern. We know that from the statistics.

So I hope that, as I indicated before, we bring the arguments back now to the realm of reality. We are coming very far afield from those days where the division still exists as to the matter of abortion. We are now getting into every personal aspect of family life.

I do not want anybody telling me as to how our morals have slipped. I like to think I have a very fine family, and I am sure most of my colleagues feel the same way.

Our problems are different from those of our children. I am very proud of the kids of this Nation. The fact that it is drugs in this generation rather than the alcohol of ours, they are both problems. They are both devastating to the humanity that is involved. There is no point in pointing a finger and saying how great we are and how bad they are.

In any event, I do know this: The problem is best answered at home. I am entirely consistent in my arguments. Yes, I contest the Senator for North Carolina when he tries to impose religion on my children vis-a-vis the Federal Government. The Federal Government has no role. That is my job as a parent. It is the job of my particular faith. It is not the job of the U.S. Senate. The character and morals of my children is my job. That is the job of my community. It is not the job of the U.S. Senate. The health care of my kids is my job, the physicians' job, the schools' job. It is not the job of the U.S. Senate to say what is needed and what is not needed.

When you start substituting moralizing for science, we are in pretty tough shape in this country.

I respect, as few others do, the individuality of every American citizen, and I do not want the Federal Government saying how my kids should pray, what kind of health care they are going to get, what the problems are within my family setting or my community.

What is ironic in all this is that these words come from those who are conservative; in other words, who want their points of view imposed on others.

There is absolutely no direction from the Federal Government as to how the funds involved here ought to be used. None. They are to be used for the well-being of our children as determined by the local school board.

If he wants to eliminate the funds entirely, fine; eliminate them, and say that the Federal Government will have no role in this. That is fair enough. But stop saying what it is the local school board and the community or, rather, the school clinic is going to do or not do.

You are telling the Centers for Disease Control what they can do and cannot do. You are telling the school-based clinics what they can do and cannot do. You are telling the various schools what they can do and cannot do so far as belief is concerned.

Our job is to set general policy, not to meddle and interfere with the individual lives of the citizenry. Certainly, so far as this amendment is concerned, it should fall on the basis of what will not be achieved if the amendment succeeds. The whole program goes out the window, the money is not available to any community, and therefore services that nobody would disagree with are eliminated, and services that are desperately needed in certain community settings are eliminated.

This is not an abortion program. This is not even a family planning program. It is health; and that, believe me, is best determined at the local level. That is what this is all about.

At the appropriate time, as I indicated, I will move to table the amendment of the distinguished Senator from North Carolina. I do not want to do so until he has the opportunity to regain the floor and make any comments he wants or that any other Senator may wish to make.

Mr. EXON. Mr. President, will the Senator yield for a question I have of the Senator from North Carolina?

I address this to the Senator from North Carolina: As I understand his amendment after the discussion, it has to do only with in-school or on-school property procedures—offices, clinics, call it what you will. Is that correct?

Mr. HELMS. The Senator is correct. But it is more than that. Providing Federal funds to provide contraceptives to children on school property.

Mr. EXON. On school property, which is separate and apart from family planning.

Mr. HELMS. That is right.

Mr. EXON. I ask unanimous consent that my name be added as a cosponsor of the Senator's amendment.

Mr. HELMS. I thank the Senator.

Mr. President——

The PRESIDING OFFICER (Mr. BREAUX). Does the Senator from Connecticut yield the floor?

Mr. WEICKER. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have a little backache, and I wanted a more comfortable chair.

I have listened to my friend from Connecticut as he talked about States rights. I said: "I think he is arguing on my side. He must have changed his mind. He must be supporting the amendment now."

There is nothing strange about the Federal Government having some say-so about how Federal funds are spent.

Let me make one thing perfectly clear: I could have no legitimate, general objection to a school board making this decision, provided it comes up with the money itself. But we do have a responsibility about how Federal money is spent. We do it in everything else.

We do not let the local governments just willy-nilly put highways anywhere they want, or any other activity. We put out guidelines.

I am talking, as the distinguished Senator from Nebraska has emphasized—and I thank him for doing so—about these mechanisms on school property, in school buildings, in so many cases—handing out contraceptives, abortion advice, and that sort of thing. I do think we have a responsibility in that regard because Federal funds are involved, in the first place, and, in the second place, families do not even know what is going on. They are not consulted about whether contraceptives shall be handed out. They are specifically excluded from consideration of that.

I cannot understand why there is any dispute about this amendment. I am not trying to intrude on the prerogatives of local school boards. Far from it. But I am saying that we have a responsibility in this matter, and I am trying to exercise it through this amendment.

Mr. WEICKER. Mr. President, to my distinguished friend from North Carolina, the answer is that so far as Federal highway funds are concerned, no, we do not exercise control. That is strictly up to the State, to use those funds once it gets to them. We do not tell them what highways they can put in or cannot.

The first time we attempted control was in terms of setting the speed limits, using the mechanism, if you will, of those highway funds. We do not tell them where to put the highways.

The entire concept of revenue sharing was raised by a Republican President, President Nixon, get the money to the States and let them figure how to spend it.

And in budget item after budget item presented by Ronald Reagan is in the form of block grants to allow the States to decide how they are going to spend it.

Now the difficulty I have in the case of the distinguished Senator's amendment is that he is referring to contraceptive drugs, devices, prescriptions, and so forth. The precedential nature of the amendment is if we do it there with the local school boards we can do it anywhere and for any item. There is no end to it as to what we say the local school board can or cannot do.

I dare say for some local school boards, information on the subject matter of teenage pregency is probably the No. 1 item on their agenda.

I cannot hear at the moment and I am now addressing the Chair, Mr. President. I cannot understand how that rich, mellifluous base baritone voice of the distinguished Senator from Illinois has not carried him to the Democratic nomination for President of the United States because it certainly rings true over on this side of the floor, and I might add I happen to be one of those who wish he had gotten the nomination.

Mr. President, I think that clearly this is an intrusion, a very substantial intrusion into how local communities are now attempting to deal with their particular priority of health problems. It is not something to be micromanaged from the floor of the U.S. Senate.

I am prepared at any suitable time to move to table the amendment.

I will certainly yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, my friend is being a tad selective in his argument for States' rights. If he will look at his own bill on page 50, for example, and there are numerous examples of this, beginning at line 1:

SEC. 220. Notwithstanding any other provision of law, no personnel ceilings may be imposed nor any action may be taken to restrict the full-time equivalent (FTE) levels for Public Health Service programs, projects, and activities funded by this or any other Act.

So certainly we are dictating there some restriction, such as I am suggesting with this business of handing out contraceptives to children on school property.

Then beginning on line 21 on page 66 and running through line 6 on page 67:

Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That funds provided herein for fiscal year 1991 shall be available pending authorization.

It is a perfectly good restriction.

Mr. President, we do have a responsibility, in my judgment, to limit and restrict.

The Senator is absolutely right. The Federal Government has nothing to say, in my judgment, about a school board which provides its own money for a school-based clinic to do so. But they take the Federal funds, set up these clinics, hand out the contraceptives, and they do not let the parents know anything about it.

Obviously, the children say, "It must be all right. They gave me this. I do not know quite what to do with it, but I will find out tonight."

And that is what it amounts to.

It is a drift in the wrong direction and, while I respect my friend from Connecticut, I obviously disagree with him but I thank him for his courtesy to me in this debate.

Mr. LEVIN. Mr. President, I will vote to table the Helms amendment because it would cut off funding to the entire Department of Health and Human Services if the Secretary of that Department does not promulgate regulations which would interpose the Federal Government in decisions made by local school boards. That local control is a cornerstone of our educational system and should only be restricted when required by fundamental constitutional issues.

The passage of this amendment would set a bad precedent of Federal interference, while, at the same time, it has no actual impact on the actions of school boards, since I know of none which is providing contraceptives to students. I am concerned that sometime in the future this kind of Federal interference could be used again to reverse policies of local school boards that are actually in effect.

Mr. WEICKER. Mr. President, there is a ready remedy available to disgruntled parents who disagree with the school board, and that is to vote them out of office. That is exactly the remedy that is available to us as Americans under our constitutional system.

I would suggest that the matter is not secret, that usually if such a clinic is being considered in the community, it is probably the subject matter of rip-roaring debate at town meetings or whatever, or it is the result of pleading, if you will, to make sure that adequate health measures are applied to the children in that particular community.

In any event, is there anyone else who is desiring to speak on this matter? If not, I move to table the amendment of the distinguished Senator from North Carolina and 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 Connecticut to lay on the table the amendment of the Senator from North Carolina.

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 Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Georgia [Mr. FOWLER], the Senator from Vermont [Mr. LEAHY], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The DEPUTY PRESIDENT pro tempore [Mr. MITCHELL]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 45, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—48

Baucus	Graham	Pell
Bingaman	Harkin	Proxmire
Bradley	Heinz	Pryor
Breaux	Hollings	Riegle
Bumpers	Inouye	Rockefeller
Burdick	Kassebaum	Rudman
Byrd	Kennedy	Sarbanes
Chafee	Kerry	Sasser
Chiles	Lautenberg	Simon
Cohen	Levin	Specter
Conrad	Matsunaga	Stafford
Cranston	Metzenbaum	Stennis
Dodd	Mikulski	Stevens
Evans	Mitchell	Weicker
Glenn	Moynihan	Wilson
Gore	Packwood	Wirth

NAYS—45

Armstrong	Gramm	Melcher
Bond	Grassley	Murkowski
Boren	Hatch	Nickles
Boschwitz	Hatfield	Nunn
Cochran	Hecht	Pressler
D'Amato	Heflin	Quayle
Danforth	Helms	Reid
DeConcini	Humphrey	Roth
Dixon	Johnston	Shelby
Dole	Karnes	Simpson
Domenici	Kasten	Symms
Durenberger	Lugar	Thurmond
Exon	McCain	Trible
Ford	McClure	Wallop
Garn	McConnell	Warner

NOT VOTING—7

Adams	Daschle	Sanford
Bentsen	Fowler	
Biden	Leahy	

So the motion to lay on the table amendment No. 2697 was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, on page 46——

Mr. HELMS. Mr. President, may we have order in the Senate?

The DEPUTY PRESIDENT pro tempore. The Senator from North Carolina is correct. The Senate is not in order.

The Senate will be in order.

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

Mr. CHILES. I yield.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, several Senators are inquiring as to what the

outlook is for the remainder of the day. It is planned to proceed and try to finish this bill if we can tonight, if it does not require us to stay too long. Mr. CHILES will not be able to be here tomorrow, so I think that it is best that we finish this bill if we can. I thank the Senator for yielding.

The DEPUTY PRESIDENT pro tempore. The Senator from Florida.

EXCEPTED COMMITTEE AMENDMENT, PAGE 46, LINE 2

Mr. CHILES. Mr. President, on page 46, line 2, add the language, "or except for such medical procedures necessary for the victims of rape or incest."

Mr. HELMS. If the Senator will excuse me, there is just so much noise I was unable to hear him, but we are at that point, I understand?

Mr. CHILES. I just proposed the amendment.

The DEPUTY PRESIDENT pro tempore. The Senate will be in order so that the other Senators may hear the manager. The Senate will be in order.

The Senator from Florida.

Mr. CHILES. Mr. President, at page 46, line 2, I would add the language, "or except for such medical procedures necessary for the victims of rape or incest."

The DEPUTY PRESIDENT pro tempore. The Senator from North Carolina.

AMENDMENT NO. 2698

Mr. HELMS. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The DEPUTY PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2698.

Mr. EXON. Mr. President, the Senator from Nebraska finds it totally impossible to hear. I came to the front of the Chamber to try to hear what the manager was saying and I could not hear. I would simply ask, once again, that the Chair clear the room, have everybody sit down and cease all conversation because there are some of us that have amendments to offer.

I had an amendment that I wanted to offer and I could not hear what was going on and I missed the opportunity. My friend from North Carolina was proper in offering it. I was hoping maybe he would let me offer an amendment, so we could try to go from side to side, but I missed because I could not hear.

I suggest to the Chair, let us stop the conversation and get on with the business at hand.

Mr. HELMS. Amen, brother.

The DEPUTY PRESIDENT pro tempore. The Senate will be in order. The Senator from Nebraska is correct. The Senate is not in order.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2698.

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

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

The amendment is as follows:

SEC. . (a) Notwithstanding any other provision of this Act or an amendment made by this Act none of the funds made available under this Act or an amendment made by this Act for the Department of Health and Human Services shall be obligated or expended after January 31, 1989 if on that date the Secretary of that Department has not, using existing power, promulgated regulations to prohibit AIDS education, information, or prevention materials and activities paid for under this Act from promoting or encouraging, directly, homosexual sexual activities.

(b) Such regulations shall require that education, information, and prevention activities and materials paid for with funds made available under this Act emphasize—

(1) abstinence from sexual activity outside a sexually monogamous marriatge (including abstinence from homosexual sexual activities) and

(2) abstinence from the use of illegal intravenous drugs.

(c) Such regulations shall define the homosexual activity referred to in subsections (a) and (b) as any sexual activity between two or more males as described in section 2256(2)(A) of Title 18, United States Code.

(d) Such regulations shall define the illegal drugs referred to in subsection (b) as any controlled substance as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

Mr. HELMS. Mr. President, I suspect that most Senators are familiar with the pending amendment. It is almost identical to the amendment approved by the Senate on April 28. It is identical to a law which governs the expenditure of fiscal year 1988 funds for AIDS education. The amendment, to put it simply, ensures that moneys provided under the AIDS Education Program, which is reauthorized under this Act, shall not be used to promote or encourage sodomy and that all AIDS programs will emphasize abstinence from sexual activity outside of marriage and abstinence from intravenous drug use.

Mr. President, a few years ago, the public health lobby informed the Congress that education is the only available weapon against the AIDS epidemic. We heard that over and over again, and the Congress responded. To date this Congress has appropriated and spent hundreds of milions of dollars for AIDS education. Just a few months ago, we voted to authorize the biggest AIDS education research and treatment bill in the history of the country.

Now, Mr. President, the Senate is considering a bill to appropriate over $1 billion for AIDS. So I feel obliged to address this issue once more.

I think most Senators are now aware that the American taxpayers have been required to provide hundreds of milions of tax dollars to homosexual operations in this country. The evidence is there. I put it in the RECORD. There is really no dispute about it. Hundreds of millions of dollars have gone to homosexual organizations in this country. Those moneys have been used to promote sodomy. No question about it.

Mr. President, I referred earlier this afternoon to a socalled comic book produced and distributed by a homosexual organization in New York City which had received almost $700,000 from the Federal Government for operating purposes. I took that comic book down when I went to see the President of the United States, and I laid it before him. I said: "I hate to put this garbage before you, Mr. President, but I want you to see what "safe sex" education means. The most lurid, crude, despicable portrayals in that "comic book" you could possibly imagine.

The President opened up the comic book, closed it up and said: "Good Lord," and he hit the desk and he instructed the then chief of staff, our friend, Howard Baker, to get on the matter. He further said: "Why wasn't I told about this?" Well, many taxpayers are saying: "Why wasn't I told about this?"

That is just the tip of the iceberg. Hard-earned tax dollars are being used and have been used for what they call safe sodomy courses where instructors attempt to dispel what they call a "myth" that heterosexuality is superior to homosexuality.

These courses have instructors who teach participants how to negotiate "safe sex" contacts. This amendment simply says stop that; no more Federal tax dollars for that kind of garbage.

But then there is the video produced with Federal tax dollars by this group in New York. Tax dollars have been and, if my amendment fails, will be used to produce soft porn movies showing men engaging in sodomy; to hold safe sex home parties; to promote sodomy. The list goes on and on.

As I said earlier this afternoon, I took one of the video tapes produced by this crowd in New York to a meeting of Senators earlier this year. I said: "I just want you to see what you are voting for or what you are voting against." They turned on the video tape recorder to play back the tape. The Senators revolted. They were sick in their stomach. And I dare say that the American people would revolt if they knew their money, their tax money was being spent under the

guise of AIDS education. It is a guise. It is a flimsy guise. It is an intellectually dishonest guise. It is fleecing the American people for the benefit of those who engage and practice sodomy.

Mr. President, these materials are now being brought into our schools. In Pavilion, NY, ninth graders learning about AIDS received a pamphlet entitled "AIDS: Prevention and"—here we go again—"Safer Sex."

Now, Mr. President, this pamphlet in no way encourages sexual abstinence before marriage. That is never mentioned. Under the list of socalled safe sexual activities the pamphlet lists dial-a-porn, fondling, costumes, and so on, and it also includes this advice to the ninth graders and younger—this is education, you see—"Be creative. Enjoy added new things into your sexual play. Try jello, whipped cream, and other new textures that provide interesting tactile sensations." Oh, bully for this education. Isn't that great. And outfits get up to $700,000 to shovel out that garbage right into the school rooms of America.

Mr. President, all the so-called low- to medium-risk homosexual activities are listed, you better believe it, and all of the so-called high-risk homosexual sexual activities are listed. But nobody can tell me with any success, Mr. President, that our 14- and 15-year-old schoolchildren ought to be educated about the sodomy tactics of homosexuals. That does not help 14- to 15-year-olds arm themselves against AIDS. It is not education. It is clearly the promotion and encouragement of sodomy.

In Missouri, according to a Kansas City article, the so-called good Samaritan project, which is a prohomosexual group, has joined with 15 area high schools to educate high schoolers about safe sex. You see the trend? They are talking about safe sex. The program does not discuss abstinence. The homosexual is not interested in abstinence. It discusses safe sex techniques for heterosexuals and homosexuals. A brochure was passed out at this Kansas City assembly. Let me tell you what it said. First, "Step 1. Learn all you can about AIDS and safer sex." Second, "Step 2. Talk about safer sex. Wear a safer sex button." "Step 3. Be creative. The ground rules are simple: Don't exchange body fluids. You can take it from there." Step 4 said, "Be a fighter. Having unsafe sex is a surrender to AIDS. Don't surrender."

Then the brochure goes on to tell the reader how to use a condom, and they go into graphic detail. It also dictates which sex acts are safe and which are unsafe.

If my amendment does not become law, nothing in the pending bill will preclude Federal tax dollars from being used for this type of so-called AIDS education.

Now, Mr. President, let us look at how the Federal money is currently being used. For example, the Boston public schools in 1987 received $154,590 for its program, and here is a taste of the AIDS education that the schoolchildren, the kids in Boston, received in July of last year. In lesson 6 entitled "How is Aids Transmitted? How Can Aids Be Prevented?" students are directed to role play the following situation. They are supposed to act it out. It says;

> Karen and Joe are people in their early 20's who are single and sexually active. They begin dating. It seems likely that they will begin to have a sexual relationship. Karen managed to practice safer sex with her last boyfriend John by suggesting they use a condom and spermicidal jelly as their birth control method. Joe, however, has had a vasectomy.

To dump right upon the schoolchildren of America—

> Karen is also aware that Joe sees himself as a very masculine man, and that he does not like homosexuals. She is worried about how he will react if she brings up her wish to practice safer sex because of her concerns about the AIDS virus.

Bear in mind, the students were directed to engage in a role play of that situation.

The teacher then asks questions about the situation, "What should Karen do? How can Karen bring up the topic of safer sex? How might Joe react if she says she wants to practice safer sex?"

Not only is hard-earned tax dollars being used to teach children to fornicate more safely, Mr. President, but Federal dollars are being used to direct these children to homosexual hotlines.

The Boston School System project, which received $154,590 of hard-earned federal tax dollars, is being used to connect these children to homosexual organizations.

As I say, the Boston school system project received $154,590 furnished by the American taxpayers through this Federal Government. And that $154,590 is being used to connect these children with and to homosexual organizations.

I protest. And that is why that amendment is at the desk right now.

The hotlines which the children will undoubtedly call for more AIDS information are, in part, homosexual hotlines. The National Gay Task Force and the Gay and Lesbian Hotlines are the only two private hotlines mentioned in the information provided these children in Boston schools, and it is being provided with Federal money which the American taxpayers are required to furnish.

Mr. President, under Information Sources, the Boston school project, paid for with $154,590 of hard-earned tax dollars, lists the Gay and Lesbian Advocates and Defenders-AIDS Law project, the Gay and Lesbian Counseling Services, and the Mayor's Liaison to the Gay Community.

Mr. President, other Education Sources listed include the infamous Gay Mens' Health Crisis, and the San Francisco AIDS Foundation. I am sure most members are aware of what they have produced.

I have talked about it enough on this floor.

Understandably, Mr. President, the AIDS Action Committee of Massachusetts endorses this project. This organization, Senators will recall, got into a little trouble with Governor Dukakis for their distribution of a graphic homosexual pamphlet. And good for Michael Dukakis. He gave them hell.

Mr. President, you may be surprised at hearing that from this side of the aisle but I do not care whether the public official is Republican or a Democrat. If he takes a stand against this kind of a garbage, I commend him.

In their endorsement letter of July 6, 1987, Larry Kessler, executive director of this homosexual organization, applauds the director of the AIDS school project for his willingness "to lead in the battle against ignorance and fear by providing the best models of education." The best models for what? To be homosexuals. That is what. And your tax dollars are being used to subsidize it.

This effort is being duplicated all over the country. Those bent on promoting the sexual revolution and the homosexual lifestyle are using the AIDS issue to promote their cause.

The bill currently before this body, left unamended, would perpetuate this travesty. We need to do more than throw our children to those intent on destroying the morals of this country.

Mr. President, in the two debates on this issue, one in October and one in April, Senators discovered what is really meant by AIDS education. Until that time, I am certain that Senators thought it meant something quite different. Yet, we did look into it and we did challenge the premise that anything goes so long as it falls loosely under the guise of AIDS education.

In the debate on April 28, Senators who opposed my amendment argued that the Helms amendment was blocking the only effective means of combatting the AIDS epidemic. Many implied, if they did not say outright, that explicit, pornographic AIDS education is responsible for the decline in AIDS infection rates.

That argument is just plain false, Mr. President. The truth is not a single credible study shows that explicit, pornographic AIDS education has succeeded in changing behavior.

True enough, Mr. President, some studies have reported a decline in HIV transmission among homosexual and bisexual men. But no credible study documents the claim that AIDS educa-

tion efforts are responsible for the decline.

In a June 1987 study in the American Journal of Public Health the authors recognized factors, other than change in sexual behavior, which may have influenced the results of the study. They stated:

The substantial reduction in infection rates could have been the result of one or more of the following circumstances:

(1) Study subjects at high risk of seroconversion may have participated in the [study] in disproportionately smaller numbers than those at low risk of seroconversion, a type of selection bias.

(2) Members of the cohort who engaged in high-risk behavior might have become infected early in the epidemic leaving only low-risk persons available for infection during the study, the so-called saturation effect.

(3) The prevalence of high risk activities could have declined.

Other studies have come to the same conclusion. AIDS transmission may have declined but it cannot be documented that AIDS education is the reason.

A northeastern Ohio study of 303 homosexual men stated: We have concluded that educational efforts on safe sex education in our areas have resulted in clinically meaningful behavior modification in only a small segment of the socially and sexually active homosexual community.

The study found that only 28 percent practiced totally safe sex; 71 percent persisted in activities that have been clearly described as unsafe.

A Pittsburg study of condom use by 503 homosexuals and bisexual men showed that knowledge of safe sex did not stop the practice of risky behavior, and the "underutilization—of condoms—is probably not related to deficits in knowledge." The researchers concluded that knowledge of safe sex did not prevent most men who practiced anal sex from engaging in unprotected sex.

A study of the massive AIDS educational campaign in Britain concluded, "The campaigns had no effect on changing sexual behavior."

A highly publicized National Institutes of Health [NIH] found that 51 percent of the homosexual and bisexual men studied still practiced sodomy. Although condom use doubled, more than two-thirds did not use condoms with anal sex. And almost half, 44 percent, still used nitrate inhalants.

A survey of 750 homosexual men in New York City revealed that high risk behavior, though diminished, still continues at a high level; 48 percent still practice sodomy. Of those engaging in sodomy, 40 percent are not using condoms.

A 1987 survey of homosexual men in Albuquerque showed that few were following "safe sex" guidelines; 76 percent were practicing sodomy. Only 10 percent were using condoms more than 10 percent of the time.

Even if safe sex reduces other sexually transmitted diseases, it doesn't necessarily reduce the prevalence of HIV infection.

The prevalence of HIV infection almost tripled among San Francisco homosexuals between 1980 and 1984—from 24 to 68 percent—even though safe sex techniques resulted in a 73-percent reduction of rectal gonorrhea cases in men attending San Francisco city clinics during the same period.

HIV infection can increase even when gonorrhea decreases, because of differences between the diseases. Dr. Goedert of the National Cancer Institute of the National Institutes of Health has pointed out:

Unfortunately, gonorrhea and HIV are so different that little comfort can be drawn (from the decrease in gonorrhea.) Unlike gonorrhea, HIV infection cannot be cured, is certain to be carried for a long time (possibly for life), and is highly likely to cause death. The risk of transmitting HIV must therefore be eliminated, since there is no acceptable level for this risk. "Lower" risk is an inadequate goal and perhaps even a vacuous notion.

I think it is quite clear, Mr. President, despite our wishes to the contrary, AIDS education is not changing behavior. It could, in fact, be simply perpetuating the immoral lifestyle that got us into the AIDS predicament in the first place.

Mr. President, in the debate on April 28, one Senator argued that AIDS should not be solely a moral argument. "We are also talking about public health," he said.

I agree with this Senator's comments. AIDS is both a moral issue and a public health one. In this case, as with so many cases, adherence to the Judeo-Christian moral code happens to be the best public health policy.

Some Senators refuse to recognize this fact. To support a policy that says AIDS can be stopped by discouraging promiscuity and homosexuality forces us to slam the door on the sexual revolution which has ravaged this Nation for the past quarter of a century.

Mr. President, the Congress has already spoken on this issue. Our choice is clear: Are we or are we not going to allow hard earned tax dollars to be used to promote sodomy—an activity which affronts our Judeo-Christian values and is illegal in 24 States and the District of Columbia—and illegal drug use? Or will we continue to cling to a failed policy of promoting sodomy and emphasizing sodomy with a condom?

Lives are at stake. We cannot afford to sit back. I urge the adoption of this amendment.

I could go on and on, but it has been suggested to me that maybe we want to move along. I do want to accommodate the manager of the bill. I certainly want to accommodate the distinguished majority leader.

But let me say this: The Senate has already voted twice on substantially the same amendment overwhelmingly. It was 94 to 2 on one occasion and 71 to 18 on the other. When Senators had some notion of what was afoot, they came in here and voted as they did overwhelmingly for substantially this same amendment.

So I say to the Senators again, as I have said before, the case is clear. Our choice is clear. And the question is are we or are we not going to allow the hard-earned tax dollars of the American people to be used to promote sodomy, and activity which is an affront to our Judeo-Christian values and is illegal in 24 States in the Union, plus the District of Columbia, or will we continue to cling to a failed policy of promoting sodomy and emphasizing sodomy.

Lives are at stake. I do not think we can afford to sit back. And needless to say I urge adoption of the amendment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, for the information of all, I will simply state that as I understand it there has been an agreement made that a tabling motion will be offered on the amendment offered by the Senator from North Carolina. When we dispose of that tabling motion, regardless of what the vote is, I just want to advise the Senate that the Senator from Nebraska will be offering an amendment with regard to rape and incest on the abortion issue. This is an amendment that passed a few years ago by over 10 votes in the Senate. I think it is very likely to be adopted here on a rollcall vote.

The amendment that I will offer after the tabling motion is voted upon will deal with the victims of rape and incest and allow them coverage under the law if it is promptly reported, and it also allows States rights with regard to the funding of abortions. It allows the States to have sole discretion of making and passing tougher abortion laws. If they do not accept this in all cases, we preserve the fundamental right where the life of the mother would be endangered. That generally accepted term would be maintained in my amendment.

Mr. WEICKER. Mr. President, I am going to be exceedingly brief. I should alert my colleagues that we will be moving to this vote in a matter of minutes.

I oppose the amendment of the distinguished Senator from North Carolina for two reasons. No. 1, it reinstates the Helms language, which language was for all practical intents and purposes obviated by the passage of the Cranston-Kennedy amendment. So it will wipe Cranston-Kennedy off the books if this language is accepted and,

just as importantly it will eliminate rape and incest as it now sits in the bill as being eligible in terms of an abortion provided from Medicaid funds.

Finally, in this bill we come back to common sense. That specifically is that a woman that is pregnant by virtue of rape or incest would have available to her Medicaid funds for the performance of an abortion, a matter that we left several years ago and I am sure has caused untold hardship and tragedy among the populace.

So I hope for those two reasons the Helms amendment is not adopted.

I move to table the same, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HEFLIN). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from North Carolina. 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 Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Georgia [Mr. FOWLER], and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

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

The result was announced—yeas 47, nays 46, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—47

Baucus	Graham	Proxmire
Bingaman	Harkin	Pryor
Boren	Inouye	Riegle
Boschwitz	Kassebaum	Rockefeller
Bradley	Kennedy	Rudman
Bumpers	Kerry	Sanford
Burdick	Lautenberg	Sarbanes
Byrd	Levin	Simon
Chafee	Matsunaga	Specter
Chiles	Metzenbaum	Stafford
Cranston	Mikulski	Stennis
Dodd	Mitchell	Stevens
Evans	Moynihan	Weicker
Exon	Nunn	Wilson
Glenn	Packwood	Wirth
Gore	Pell	

NAYS—46

Armstrong	Dixon	Hatfield
Bond	Dole	Hecht
Breaux	Domenici	Heflin
Cochran	Durenberger	Heinz
Cohen	Ford	Helms
Conrad	Garn	Hollings
D'Amato	Gramm	Humphrey
Danforth	Grassley	Johnston
DeConcini	Hatch	Karnes
Kasten	Nickles	Simpson
Lugar	Pressler	Symms
McCain	Quayle	Thurmond
McClure	Reid	Trible
McConnell	Roth	Wallop
Melcher	Sasser	
Murkowski	Shelby	

NOT VOTING—7

Adams	Daschle	Warner
Bentsen	Fowler	
Biden	Leahy	

So the motion to table the amendment (No. 2698) was agreed to.

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

Mr. BYRD. 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 Nebraska.

AMENDMENT NO. 2699 TO EXCEPTED COMMITTEE AMENDMENT PAGE 46, LINES 2 AND 3

(Purpose: To clarify the rape and incest exception to the abortion funding restriction)

Mr. EXON. Mr. President, I send a perfecting 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 Nebraska (Mr. EXON) proposes an amendment numbered 2699 to the committee amendment.

Strike line 3 on page 46 and insert in lieu thereof the following: "victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; nor are payments prohibited for drugs to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of ectopic pregnancy: provided, however, that the several states are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate, except where the life of the mother would be endangered if the fetus were carried to term.""

Mr. EXON. Mr. President, I rise to offer this perfecting amendment to the committee amendment which addresses the difficult issue of abortion. The amendment that I have offered passed by over 10 votes in the U.S. Senate in 1980. As far as I know, it has not been offered since that time.

Mr. President, I feel that the position that the perfecting amendment takes is the most reasonable one, a compromise, if you will, to do what this Senator has always held was the minimum necessary with regard to the most difficult and divisive abortion issue.

The PRESIDING OFFICER. The Senator will suspend. I apologize to the Senator, but the Senate is not in order. There are various conversations taking place on the floor which need not take place on the floor. Senators will take their conversations to the Cloakrooms and staffs will take their seats.

There are still various conversations taking place. The Chair will wait until those conversations are complete before the Senate resumes its business.

The Senator may proceed.

Mr. EXON. Mr. President, for the information of the body, I am going to be very brief. If you will allow me 5 or 6 minutes to basically explain the amendment, then I will ask for the yeas and nays. Certainly, there undoubtedly will be some opposition. I do understand that both of the floor managers of the bill have agreed to support and vote for this amendment. Maybe we can expedite and move things along. I do not wish to hold up the Senate.

I have long opposed abortion and funding for abortion except in the narrow cases where it is necessary to save the life of the mother or in promptly reported cases of rape or incest.

While the Appropriations Committee bill contains life of the mother and rape and incest exceptions, I have two concerns which my amendment attempts to address. First, there are no prompt reporting requirements included in the rape or incest exceptions. If there is no such requirement, there will, at least, be an economic temptation to simply claim that a pregnancy resulted from rape or incest in order to secure Federal funding. If we are to have a rape or incest exception, it is important that we assure that claims to Federal funds are legitimate and that the opportunity for fraud is minimized. My amendment simply requires that to qualify for Federal funding, the cases of rape or incest be promptly reported. The same prompt reporting requirements were included in the recently passed District of Columbia appropriations bill.

My second concern is that due in part to the 1980 court case, Roe versus Casey and Lynch, States may be required to enact more liberal public funding policies for abortion than their State legislators are prepared to accept should the committee amendment be adopted as written. My amendment simply gives the States the option to determine their own abortion funding restrictions. States would have the option of funding rape and incest cases but would not be required to do so. Those who rallied around the "states rights" issue in opposition to the District of Columbia abortion amendment, which I offered earlier this July, should find some philosophical comfort in this provision of the amendment. I hope that those individuals will see that my amendment also protects "states rights."

Mr. President, for several years in the early 1980's, language very similar to the amendment which I offer today

was the accepted formulation of the abortion funding restrictions.

I realize what a difficult issue this is for the Senate. This amendment may not go as far as some would like, however, I sincerely believe that this amendment reflects the middle ground on this controversial issue. It is a middle ground which can protect the maximum number of lives. Those Senators who are interested in protecting the unborn from the rising tide of abortions should work to make progress toward protecting as many lives as possible. Unsuccessful, but dogmatically perfect, amendments may make good "score card" votes, but they do not save lives. I am hopeful that this amendment can be enacted. It assures that the exceptions to the abortion funding restrictions are carefully and narrowly drawn. It also protects States which may not wish to go as far as the Federal Government in funding abortions.

Mr. President, I will refrain from other remarks depending on the necessity for rebuttal.

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. CHILES. Mr. President, I believe the Senator from Nebraska has offered an amendment that we should adopt. It was in the language of a bill that the Senate adopted a number of times in the early 1980's, as he said. I think it does add some further safeguards to the rape and incest language, requiring that that be promptly reported and that it only be available if it is promptly reported. I believe it tightens up that language. I believe this is something that we should adopt and I urge that we do adopt it.

Mr. HELMS. Mr. President, I begin by stating the committee amendment offered in committee by Senator WEICKER. Senator WEICKER's amendment added a rape and incest exception to the Hyde amendment by a vote of 15 to 14. If this amendment is enacted, the Federal Government will be in the business of providing free abortions in cases where the life of the mother is endangered by carrying the unborn child to term and if the abortion is desired because the woman claims rape or incest.

I oppose this amendment for a number of reasons, but I will begin with the most important. The unborn child is a human life which should be protected. Since this unborn child's life is supreme, it should not be snuffed out because of the circumstances surrounding the child's inception. Whether that child is conceived by force or by consent, the child does not deserve being deliberately destroyed. Certainly, the taxpayer should not be required to pay for the termination of this innocent human life.

At this point, I mention there is a poignant biography entitled, His Eye Is On the Sparrow, which I hope Senators in the Chamber will read. It provides the perfect illustration: A woman becomes pregnant from a rape and many urged her to have an abortion. She did not because she believed that the child she was carrying was a human life that deserved to live. If that mother had followed that advice, if she had consented to an abortion, our Nation would never have been blessed with the life and voice of Ethel Waters.

Second, contrary to what proponents of the rape/incest exception want you to believe, the Hyde amendment does not prohibit Federal funds from being used to provide adequate treatment for victims of rape or incest. The Federal Government continues to fund diethylstilbestrol [DES] and other non-abortion procedures used within a few days of a sexual assault.

Third, the rape/incest exception would only open the floodgates for taxpayer-funded abortions. While few rapes result in pregnancy, it's clear that a rape exception would encourage false claims of rape. In a U.S.A. Today interview with Gloria Steinem, she commented that making "abortion legal only in cases of rape and incest would force women to lie."

Two leading law enforcement associations have opposed the exception for this precise reason. In a letter dated July 18, 1977, the director of the Bureau of Governmental Relations and Legal Counsel, International Association of Chief of Police, Inc., wrote the following:

> If this Senate provision ultimately becomes law, the federal government would have created a situation whereby a woman wishing to obtain a free abortion (at government expense) would be required to report that a crime of rape or incest had occurred. Obviously if the reporting of a crime becomes financially profitable, we can expect innumerable false reports. Each such report would have to be investigated requiring considerable man-hours of already overburdened police departments.

In a letter to Congressman HENRY HYDE, dated July 18, 1977, the National Sheriffs' Association expressed similar concerns.

> Furthermore, the common language, if enacted, would allow taxpayers funded abortions for "victims" of statutory rape. In effect, if the child is merely under the state's age of consent as defined by the statutory rape laws, she would be entitled to an abortion. So, in Virginia, where the age of consent for statutory rape is 16, a child under that age can get a free abortion even if it is not a product of rape.

The Exon amendment is not much better. A woman needs only to report a rape. She can lie about it, which is precisely why the law enforcement officials oppose a rape/incest exception.

Again, Mr. President, if you believe abortion is murder, then you will vote against the Exon amendment. I believe it is and I will vote against this amendment.

Mr. President, I think the writing is on the wall. The committee amendment will open the floodgates for the Federal funding of the termination of innocent human life. If you support Federal funding of abortion, vote for the committee amendment. If you believe abortion is murder and the Federal taxpayer should not have to aid and abet in this, then vote against it.

Mr. LEVIN. Mr. President, I will vote against the Exon amendment because of its requirement that there can be Federal funding for abortion in the case of incest only if that incest is promptly reported. First, this amendment does not define promptly. Vague legislative language can always present potential problems, but in this instance it could lead to very real human tragedies. Second, the embarrassment surrounding incest frequently results in the victim keeping silent for months. We should not draw a distinction as a matter of law between such an incest reported months afterward and an act of incest reported immediately.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Nebraska (Mr. EXON). 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 Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Georgia [Mr. FOWLER], and the Senator from Vermont [Mr. LEAHY], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. SYMMS] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

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

The result was announced—yeas 73, nays 19, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—73

Armstrong	Conrad	Gramm
Baucus	D'Amato	Grassley
Bingaman	Danforth	Harkin
Bond	Dixon	Hatch
Boren	Dodd	Hatfield
Boschwitz	Dole	Hecht
Bumpers	Domenici	Heinz
Burdick	Durenberger	Hollings
Byrd	Evans	Humphrey
Chafee	Exon	Inouye
Chiles	Garn	Karnes
Cochran	Gore	Kassebaum
Cohen	Graham	Kasten

Kennedy	Nunn	Simon
Kerry	Pell	Specter
Lugar	Pressler	Stafford
Matsunaga	Proxmire	Stennis
McClure	Pryor	Stevens
Melcher	Quayle	Thurmond
Metzenbaum	Rockefeller	Trible
Mikulski	Roth	Wallop
Mitchell	Rudman	Weicker
Moynihan	Sanford	Wilson
Murkowski	Sarbanes	
Nickles	Sasser	

NAYS—19

Bradley	Helms	Reid
Breaux	Johnston	Riegle
Cranston	Lautenberg	Shelby
DeConcini	Levin	Simpson
Ford	McCain	Wirth
Glenn	McConnell	
Heflin	Packwood	

NOT VOTING—8

Adams	Daschle	Symms
Bentsen	Fowler	Warner
Biden	Leahy	

So the amendment (No. 2699) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, if I might have the Senators' attention, I believe things can go quickly now. We have a number of amendments, most of which I know of, and I do not think there will be any rollcalls. If Members who have an amendment will come to the floor and be prepared to allow us to handle those quickly, I think that we can get people out of here.

I do not really know of another rollcall vote before final passage, unless we run into something.

Mr. HUMPHREY. Will the Senator yield on that point? I have a number of amendments, one of which I would like to have a rollcall vote on. May I ask how many committee amendments remain to be taken up?

Mr. CHILES. There are about 25. I thought there would be no problem now to offering them en bloc.

Mr. HUMPHREY. I want to offer an amendment which will require a rollcall vote to a committee amendment.

Mr. CHILES. I wonder if the Senator will do that now. I take back what I said. I did not know of any rollcalls.

Mr. HUMPHREY. I will be happy to do that. With respect to the other amendments I have, I believe the Democrat side have agreed to them. The language needs to be cleared with the floor manager on this side, which should not be a problem.

Mr. BUMPERS. Will the Senator from New Hampshire yield?

Mr. HUMPHREY. The Senator from Florida has the floor.

Mr. BUMPERS. Will the Senator from Florida yield to me for a question? Can the Senator give us some idea how long this is going to take?

Mr. HUMPHREY. For my part, 15 minutes at the most.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 30 minutes on the amendment to be equally divided in the usual form and that no amendment to the amendment be in order.

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

Mr. HUMPHREY. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The Senator from New Hampshire is correct.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that we set aside the amendment so I may offer an amendment.

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

Mr. HUMPHREY. Mr. President, I withdraw that request. There is a committee amendment pending, obviously. I want to offer an amendment to the pending amendment.

The PRESIDING OFFICER. The pending amendment is the committee amendment that has been amended. Is there further debate on that amendment?

If not, the question is on the amendment, as amended.

The excepted committee amendment, page 46, lines 2 and 3, as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, there is no amendment pending at the moment; is that correct?

The PRESIDING OFFICER. There is now a committee amendment pending.

AMENDMENT NO. 2700 TO EXCEPTED COMMITTEE AMENDMENT, PAGE 49, LINE 4

(Purpose: To ensure that funds made available by the act are not used to promote or encourage homosexuality as normal or natural)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask its immediate consideration. This is an amendment to the committee amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 2700.

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Notwithstanding any other provision of this Act, or amendment thereto, none of the funds made available by this Act shall be used in materials, curriculums, or programs that promote or encourage homosexuality, or to use words stating that homosexuality is "normal," "natural," or "healthy.".

Mr. HUMPHREY. Mr. President, the amendment will prevent the use of Federal funds in the promotion of homosexuality and homosexual activity. It will also prohibit references to homosexuality as "normal or natural activity."

The amendment is not frivolous. It was in fact sparked by a curriculum published with Federal title X funds by an organization called The Clinic located in a city and State which I represent. That clinic received a grant of $160,000, a 3-year grant under title X, to develop a program aimed at involving male adolescents in family planning activities.

The curriculum, which is entitled "Mutual Care, Mutual Share," embarks on an effort which seeks to be "affirming of gay and lesbian youth" and to "focus on homophobia as the problem."

In so doing, the manual urges that "each of these sexual orientations," that is to say homosexuality and bisexuality, and the same-sex experience in general were "natural and perfectly acceptable," quoting from the manual, calling homosexuality and bisexuality natural and perfectly acceptable.

Now, anyone has the right under the first amendment obviously to make that statement but the distinction here is they are saying these things, publicizing these things, this point of view, propagandizing this point of view using Federal funds. The courts, of course, have upheld consistently the point of view that the Congress is not obligated to subsidize the exercise of constitutional rights. If people want to say these things, let them say them with their own money. That is the distinction.

The manual, Mr. President, seeks at various instances "to casually remind the participants that guys and lesbians are a very natural presence in our society."

Well, there is a great controversy over that point, and we will not settle it tonight, but when you consider the difficulties, the anatomical difficulties, shall we say, of same-sex experiences, it hardly seems that nature has fitted two men, for example, or two women to have sexual relations, so I find it difficult to accept the premise of this federally funded organization that gays and lesbians are a very natural presence in our society.

In any event, citizens and organizations of every stripe have a right to their opinion and have a right to express their opinions in speaking and writing, but they have no right to a Federal subsidy to propagandize a point of view which is objectionable to a great many citizens, indeed if it is not a majority of such citizens.

The manual has raised concerns in the State of New Hampshire among State officials and the public at large and as a result the Federal Government is nearing completion of a formal investigation into the curriculum and compliance of the organization called "The Clinic with Federal Regulations." In connection with that investigation, while I want to emphasize the investigation is not complete, nor has a report been produced, the administrator of the Federal program funding that program expressed "serious concerns about the appropriateness of this curriculum."

Mr. President, the amendment restates the principle that it should long ago have been understood that Federal funds should not be used to promote homosexuality or homosexual activity in any way whatever, nor should Federal funds be used to refer to homosexuality or homosexual conduct, activity as normal or natural. Such use of Federal funds and materials that target adolescents is particularly offensive.

Mr. President, that is all I have to say at this juncture.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I will reserve whatever time I have remaining——

Mr. ARMSTRONG. Will the Senator yield?

Mr. HUMPHREY [Continuing].—For possible use but, in the meantime, I will gladly yield whatever time the Senator requires to my colleague from Colorado.

Mr. ARMSTRONG. Mr. President, I thank my colleague for yielding. I do not require any time other than to express my appreciation to him for raising this amendment and to ask if I may be added as a cosponsor.

Mr. HUMPHREY. I will be delighted to do so. I ask unanimous consent to that effect, Mr. President.

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

Mr. HUMPHREY. How much time remains, please?

The PRESIDING OFFICER. To the Senator from New Hampshire, 9 minutes and 38 seconds; to the opponents, 15 minutes.

Who yields time?

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise to oppose the amendment. I would like to read the amendment again because I think when you read it, you understand exactly what is involved here:

Notwithstanding any other provision of this act, or amendment thereto, none of the funds made available by this Act shall be used in materials, curriculums, or programs that promote or encourage homosexuality, or to use words stating that homosexuality is "normal", "natural", or "healthy".

Mr. President, the first question that has to be asked is why in this piece of legislation single out homosexuals? How about "none of the funds made available by this act shall be used in materials, curriculums or programs that promote or encourage permissive heterosexuality, excessive heterosexuality"?

Mr. HUMPHREY. Will the Senator yield?

Mr. WEICKER. No, I will not yield.

Mr. HUMPHREY. I thought the Senator asked a question.

Mr. WEICKER. I am making my statement about what is being done here and it is not very complimentary to this body.

Mr. HUMPHREY. I thought the Senator asked a question.

Mr. WEICKER. What is being done here is to single out a group that we may or may not agree with and point the finger at them. I know that we run a great risk in this body at this time; it is an election year. Some of my colleagues think that if you vote against this amendment, then it can be said by your opponents that you are for homosexuality. Well, I intend to vote against it, and I am up for election. I do not care what year or what time of year it is, I am not about to engage in an act of legalizing discrimination.

Why are we concerned with this? Because a particular segment of our population is hurting and dying. We did not get this kind of amendment when we were spending billions on gonorrhea, on syphilis, on chlamydia, all the diseases of heterosexuality or promiscuous heterosexuality.

No, we did not get this kind of amendment then. All we were ever interested in as a Nation was is if you were hurting or you were dying, we came to your side. Suffering was the reason for actions by this body.

That reason is no longer good enough. Very few amendments come on this floor that incense me as much as this particular one does. It will probably pass. I hope it does not. I hope that everybody sees it for what it is. Maybe it is all right that these matters take place in conversation on the streets of this Nation. But not on the floor of the U.S. Senate. Nobody is trying to promote or encourage any particular lifestyle. Nobody is trying to state what it is that anyone of us as an American should or should not do. There are obviously matters of conscience, matters of morals, and matters of medicine, and common sense that dictate what we should do. But I have been through this exercise, Mr. President, now for quite a period of time. It has always been nibbling away at the edge. But here you have it in all of its dirt. Mr. President, how you vote on this amendment is not a commentary on what you believe in or what you do not believe in as far as lifestyle is concerned. It is a statement on how you value your fellow human being. It is as simple as that.

I am sorry that tragedy has attached itself to people who conduct themselves in a way that might be different than any of us. But it is not enough to say I am sorry. It never has been. If the hurt was there, your country was there.

I hope the amendment will be defeated either by a tabling motion or a straight up and down vote. I am quite satisfied to have it up or down. And I am quite satisfied to explain to the people of the State of Connecticut what I voted for or what I voted against because of this can be done to one group of our populous, then it can be done to any of us. We better not start head counting because maybe this group is in the minority now, but sooner or later one of us will be in a minority due to something that we do or we think that is a little bit different.

I yield to the distinguished Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Eight minutes remain.

Mr. KENNEDY. To the Senator from Connecticut?

The PRESIDING OFFICER. That is right.

Mr. KENNEDY. Will the Senator yield?

Mr. WEICKER. Yes.

Mr. KENNEDY. Mr. President, I think all of us are both impressed and moved by the very eloquent and effective arguments of the Senator from Connecticut. I would like to just speak for a moment about where we have been over the course of the afternoon on the language which has been included in the Humphrey amendment. So there will not be a confusion among the Members about what we have voted on and what we will be voting on in terms of the Humphrey amendment.

This will be the fifth vote on the virtually identical subject matter that we have been debating and voting on, closely certainly so over the course of the afternoon. The first vote was on the Cranston-Kennedy amendment, whether it was germane. Then the Cranston-Kennedy amendment was not tabled. Then the reconsideration of the Cranston-Kennedy was tabled, and the Helms amendment was tabled. Now we have the Humphrey amendment that contains the exact same language that drew the protest from hundreds and thousands of the public health officials.

Senators should remember that we voted three times in favor of this clause in the Cranston-Kennedy

amendment: "The programs and curricula shall not be designed to promote or encourage homosexuality or heterosexual sexual activity."

So we have voted, the Members, a majority of the Members have voted three times on that particular language—shall not be designed, CBC will not design, Federal money will not be used to design program or curricula designed to promote or encourage homosexual or heterosexual activity.

You can do anything you like, Mr. President. But the basic Humphrey amendment and the language "promote and encourage, directly and indirectly" we have debated, as the Senator from Connecticut pointed out, last year, this year, and again tonight. Hopefully, the Senate now has, I think has, acted wisely, closely in terms of this same identical subject matter. It is just being packaged a different way. But we have acted on it.

I believe the majority has acted wisely. It will prohibit the kind of agregious activity that has been the concern of some, but will permit sound public health policy which ought to be the concern of all.

So I hope that the Senators will vote to—I certainly hope the floor managers would make a motion to table this amendment. If they do not so desire, I will intend to do so.

I will withhold the motion at this time if the Senator from New Hampshire wants to speak further.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. How much time do I have remaining?

The PRESIDING OFFICER. Four minutes and 18 seconds.

Mr. WEICKER. I yield 2 minutes and 18 seconds to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I will be brief in speaking in opposition to the Humphrey amendment. We have already addressed this issue several times on this day and on other days.

The Cranston-Kennedy amendment stated that the Government should not fund educational curricula that are designed to promote or encourage homosexual activity. No Member of this body wants to vote for any legislation or vote for any policy or program that promotes any particular form of sexual activity. That is not the Government's business.

As the distinguished Senator from Massachusetts just pointed out, it is unnecessary to go through all of this again. The point is that as written this amendment would chill efforts to educate people on how to avoid AIDS. It does not have the word "directly" before the words "promote or encourage" and therefore it could be interpreted in ways that could chill efforts to educate people in how to avoid the worst health threat that we have known in our times in this country, perhaps the worst ever—one that has taken many lives, and one that will take many more. The purpose is to tell people, inform people, and educate people on how to avoid getting AIDS. Those who vote for this amendment are unfortunately, and I think unknowingly, voting a death sentence on many Americans.

I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, how much time is on this side?

The PRESIDING OFFICER. The Senator from New Hampshire has 9 minutes and 20 seconds remaining.

Mr. HUMPHREY. Mr. President, more often than not, the Senator from Connecticut and I do not agree on matters, but I admire, most of the time, his determination and independence. However, I truly believe that in this case he is mistaken in his argument.

He asks, first, why this amendment now? First of all, as I said in my remarks, because of this manual, which was published at the expense of the taxpayers by an organization in my State which secured an amount under a program for which we are now appropriating money in 1989. This was an abuse, in my opinion, of Federal funds, and I am seeking to prevent that abuse in future years. That is the answer to the question, "Why now?"

The Senator asked, "Why didn't we have this sort of amendment when we were funding research on gonorrhea and chlamydia?" Until recently, we did not have this phenomenon of people trying to portray to our youth that homosexuality and bisexuality are normal, natural, and desirable and healthy. That is nonsense, in my view.

People have a right to say it. Even if I think it is wrong, they have a right to say it in speeches or in public or printed material or in any way they want, but they have no right to be subsidized in the exercise of free speech by the taxpayers. It is very poor policy for the Federal Government to be endorsing this propaganda.

Let us remember that this manual is intended for the sex education of adolescents. For the Federal Government to be endorsing the point of view that homosexuality is normal and natural and healthy—I am not blowing smoke. I read from the manual, page 11:

> We made the assertion that gay and lesbian adolescents were perfectly normal and that their sexual attraction to members of the same sex was healthy.

Do Senators believe that? Does the general public believe that? I doubt it. These people have a right to express their point of view, but they have no right to be subsidized in that point of view. It is an outrage that Federal funds were used for that purpose. It is my wish that that outrage not be repeated.

I will read more, so that Senators can have the flavor of this thing. Page 24:

> We suggested that some of the members of the group might be heterosexual, others might be bisexual, others might be lesbian or gay.

That is an offensive word, too. There is nothing gay about this perversion, but I will not try to settle that issue tonight. They use the word "gay," which is misleading to our youth.

> Some had probably had sexual experiences with their own gender regardless of their sexual orientation. We mentioned that each of these sexual orientations and same-sex sexual experiences in general were natural and perfectly acceptable . . .

This is just some of them. There are more.

Page 33: ". . . just one more way to casually remind the participants that gays and lesbians are a very natural presence in our society."

I would like someone to point out and educate this Senator how nature has equipped men to do sex with men or women with women. If nature has not equipped men and women to have sex in that manner, how can we justify Federal funds being used to tell our children that this kind of activity is natural and healthy and normal? Is it the norm? Of course not, and no one here suggests it is; but this federally-funded publication says it is normal, natural, and healthy. Could anything be further from the truth? It is absurd.

The Senator from Connecticut raises a suggestion that the public health and education effort is to minimize the effect of AIDS, and we endorse that. The Senator suggests that the only way we can inform the homosexual community and the other communities they are susceptible to AIDS is to encourage homosexuality.

He says it is impossible for the Federal Government to fund programs for visual aids—to support such material, that does not support homosexuality. That is nonsense. There are ways of getting the message to these communities without promoting homosexuality, because it is not the norm. It is not natural because men and women are not equipped to have sex with members of the same sex. The Senator from Connecticut, who is so concerned about AIDS, will agree.

This is a sensible and timely amendment, and it is intended to remedy a real problem and an evil, in the sense that it misleads our young people.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HUMPHREY. Strike that request, Mr. President.

The PRESIDING OFFICER. The Senator has withdrawn his request.

Mr. HUMPHREY. Yes; I withdraw the request for the yeas and nays, for the reason pointed out to me by the Senator from Florida.

As the amendment is drawn, it is striking language which was not the intent of the Senator from New Hampshire to strike.

So I would propose to modify my amendment so that it will not strike the language which the Senator from Florida wishes to retain, and I suppose the Senator from Connecticut also wishes to retain. If I am not able to modify the amendment at this juncture, I will simply have to offer it as an amendment elsewhere, at the first opportunity.

I propose to modify the amendment, Mr. President, so that instead of reading, "In lieu of the matter proposed to be inserted, insert the following," it has as its prefix, "At the end of the pending amendment, add the following." The balance of the amendment would be identical to the foregoing.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment has been so modified.

The amendment as modified, is as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. —. Notwithstanding any other provision of this Act or amendment thereof, none of the funds made available by this Act shall be used in materials, curriculums, or programs that promote or encourage homosexuality, or to use words stating that homosexuality is "normal", "natural", or "healthy".

Mr. HUMPHREY. Mr. President, 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.

The PRESIDING OFFICER. The Chair observes that there is still time remaining on both sides. Who yields time?

Mr. WEICKER. I yield myself such time as I have remaining.

Mr. President, this is a bill to alleviate suffering. Whether it applies to funds for the National Institutes of Health or our schools. It is a bill to alleviate suffering. It is as simple as that.

Nobody is advocating any particular course of sexual conduct. Indeed, I think probably more tragedy, more death has been inflicted by excessive heterosexual activity than by homosexual activity. But that is not the point. The point is that a behavior which is not considered normal is considered a good political target. All I do not want to happen is to have this body be a part of that kind of exercise.

Mr. President, the Nation knows each Member here, and they know the purpose of the legislation. They also understand when you rise in your chair to be counted on the side of alleviating suffering and to averting death. They understand that. But if we are to make politics out of that suffering—that they will never understand today or well into the future when they look back on the action we are about to take here in this Chamber.

This amendment deserves to be roundly defeated, either by a tabling motion or an up down vote. It does not make a bit of difference to this Senator. Nobody is going to misread the end result.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, I do not understand why the Senator from Connecticut is trying to translate this into something which it is not.

This is an effort, as I have stated repeatedly, to eliminate this very kind of abuse, Federal funding for publications—in this case, used to educate adolescents about sexuality, which, in a number of places explicitly calls homosexual and lesbian conduct normal. It is not normal; it is not the norm. Does the Senator want to argue that it is the norm? The manual calls homosexual activity natural.

Does anyone want to argue that nature fitted man for sex with man?

It says homosexuality is healthy. It is not. We ought not to be telling our children that. People are free to do so, but with their own money, not Federal funds, not from the taxpayers.

The Senator is trying to eliminate a pernicious abuse. It is a concrete problem. We ought to deal with it. It is not a matter of abstract philosphical concern that the Senator from Connecticut would seek to portray.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. LEVIN. Mr. President, I do not believe that the Federal Government should sponsor language such as that which the Senator from New Hampshire has read to the Senate from the educational materials, nor would President Reagan's Department of Health and Human Services sponsor it.

However, what troubles me about the amendment of the Senator from New Hampshire is that by stating that the Federal Government should not use funds to promote heterosexual activity among teenagers, it states by implication that it is acceptable for the Federal Government to use funds to promote heterosexual activity among teenagers. I do not believe that it is the business of the Federal Government to promote sexual activity, whether it be homosexual or heterosexual, among teenagers.

We earlier today voted to promote neither: thats the better approach.

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

The PRESIDING OFFICER. All time having been yielded back, the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I move to table the amendment and 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 Massachusetts to lay on the table the amendment of the Senator from New Hampshire. 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 Washington [Mr. ADAMS] and the Senator from Texas [Mr. BENTSEN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The result was announced—yeas 15, nays 82, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—15

Bradley	Kennedy	Moynihan
Chafee	Kerry	Sanford
Cranston	Leahy	Simon
Gore	Levin	Stennis
Inouye	Mikulski	Weicker

NAYS—82

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

NOT VOTING—3

Adams	Bentsen	Biden

So the motion to lay on the table the amendment (No. 2700), as modified, was rejected.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The majority leader is correct. There is not order in the Senate. Those who are engaged in conversations will take those conversations to the Cloakroom. The Chair will wait for the Senate to come to order.

The Senate is still not in order.

The majority leader.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I understand, in talking with the managers, that most, if not all, of the amendments that remain would not require rollcall votes. I wonder if we could have an indication from any Senator who intends to ask for a rollcall vote on his amendment.

Mr. NICKLES. Mr. President, I have an amendment. I will not ask for a rollcall vote, but if it is not accepted by the managers, we will have a rollcall vote.

Mr. HUMPHREY. Mr. President, if the majority leader will yield, this Senator might be in the same fix. I hope we can secure the support by the floor managers, but, if not, we might have other amendments that require rollcall votes.

Mr. BYRD. On the pending amendment?

Mr. HUMPHREY. To this bill.

The PRESIDING OFFICER. Does the Senator have another amendment to the bill?

Mr. HUMPHREY. I have several which we thought had been cleared, but there seems to be a last minute problem. If that problem is insurmountable, then it may be that I will have to have rollcall votes.

Mr. CHILES. Senator GORE dropped his opposition.

Mr. HUMPHREY. I think we still have a problem on this side.

Mr. BYRD. Mr. President, if we could get an indication of those Senators who have amendments that will require rollcall votes, then if we could have those amendments, have the rollcall votes, and then have final passage tomorrow morning at, say, 9:30.

Well, I am sorry, I forgot Mr. CHILES will not be able to be here in the morning.

Well, would those Senators who are going to require rollcall votes call up those amendments now and indicate their intentions to ask for the yeas and nays.

(Mr. HARKIN assumed the chair.)

Mr. HEINZ. Mr. Leader, I have an amendment that I notified people of on Monday on adoption assistance that may require a rollcall vote. I do not know.

Mr. BYRD. Mr. HEINZ has an amendment that may require a rollcall vote. Mr. NICKLES has an amendment that may require a rollcall vote.

Mr. NICKLES. Mr. President, my amendment will not take but a few minutes.

Mr. BYRD. Could we then get a time agreement on the Senator's amendment?

Mr. NICKLES. I am glad to. Ten minutes equally divided?

Mr. BYRD. Ten minutes equally divided on the amendment by Mr. NICKLES, with no amendments to the amendment to be in order.

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

Mr. BYRD. Mr. HEINZ, will he agree to a time limit?

Mr. HEINZ. I will be quite happy with 30 minutes equally divided. It probably would not take that.

Mr. BYRD. Twenty minutes equally divided? I ask Mr. HEINZ if he would be agreeable to 10 minutes to a side?

Mr. HEINZ. I am sorry.

Mr. BYRD. The Chairman says he will not need a rollcall vote on the Senator's amendment.

Mr. HEINZ. It may get accepted? Ten minutes equally divided—10 minutes on a side is fine.

Mr. BYRD. Without a rollcall vote.

Any other Senators who are going to ask for yeas and nays?

Mr. KENNEDY. Mr. Leader, I had a sense-of-the-Senate resolution that the leadership is familiar with. I am not sure whether it is going to be agreeable to the committee. Obviously, if it is, no rollcall vote will be required.

The Senator from Florida had a sense-of-the-Senate resolution dealing with the priorities of education and I think both the floor manager and the majority leader as well as others are familiar with it. It is an important one. I thought that there was going to be some indication it might be acceptable to the managers. If it was acceptable, I would just make a very brief comment. I would hope it will be accepted. If not, I would want——

Mr. CHILES. It is certainly acceptable to me.

Mr. KENNEDY. Mr. Leader, if we were going to have a debate on it, I would probably need 40 minutes evenly divided.

Mr. BYRD. Very well. Mr. President, I make that request: 20 minutes equally divided on the amendment by Mr. KENNEDY.

Mr. KENNEDY. It would be 20 minutes a side, Mr. Leader. I would need 40 minutes.

Mr. BYRD. Forty minutes equally divided.

Mr. HUMPHREY. Will the Senator yield? Is by now seeking an all-inclusive and all-embracing agreement or is that just with respect to Senator KENNEDY?

Mr. BYRD. No, that was only with respect to the amendment by the Senator from Massachusetts. Does the Senator have——

Mr. HUMPHREY. Yes. I have four amendments.

We thought they were agreed to by the managers. There is, apparently, some difficulty on that point. If it cannot be overcome, I am willing to enter into a time agreement: 20 minutes equally divided on each of those, but I will require a rollcall vote unless they can be worked out.

Mr. BYRD. The Senator will require a rollcall on each?

Mr. HUMPHREY. Unless they can be worked out. I apologize to my colleagues, but we were under the impression that those things had been agreed to by the managers. Some last minute difficulty arose.

Mr. BYRD. The Senator wants 20 minutes on each of four amendments equally divided, is that correct?

Mr. HUMPHREY. That is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 20 minutes to be equally divided in accordance with the usual form on each of the four amendments by Mr. HUMPHREY and that no amendments be in order thereto.

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

Mr. KENNEDY. Reserving the right to object, can we find out or hear some description, Mr. Leader?

Mr. BYRD. Mr. CHILES indicated he knew what the amendments were about.

May we have other offers?

Mr. HEFLIN. Mr. Leader, in view of the hour and the need for sustenance, could we stack some of the votes for a certain time?

Mr. BYRD. We will get to that in a little while.

That is what I am trying to work myself up to.

Are there other amendments? What other Senators have amendments? What other Senators have amendments?

Mr. President, I ask unanimous consent that there be no further amendments other than those that have been enumerated. I hope Senators are listening. I hope Senators are listening.

Mr. President, I believe that the request on the amendment by Mr. KENNEDY was for 40 minutes equally divided? Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. BYRD. And with no amendments in order to the amendment. I make that request.

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

Mr. WEICKER. I am sorry, Mr. President, I am unable to understand what this request is.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Connecticut is correct. The Senate is not in order.

Mr. WEICKER. I want to indicate at this time, not only are we not in order

but I would indicate my objection to any time restrictions on the Humphrey amendments. I have not seen them. I just had one of them placed in front of me for the first time. I have no idea what it says.

Apparently, there is the impression on the part of some that we are trying to expedite the passage of the bill and we are going to do anything to move the bill to final passage. Not so.

Substance means a great deal. If it means we do not get through tonight and have to go through tomorrow or even Friday, we are going to do it right.

Mr. BYRD. Well, it is all right with me, too. I am trying to help the Senators.

Mr. WEICKER. I know the leader is and I thank the majority leader. I have no complaints at all with the majority leader or my distinguished colleague, the chairman of the committee. But there are others who are trying to drop a lot of amendments in at the end and I have been around here long enough to know that that is when the mischief starts. It is not going to happen on this bill.

Mr. BYRD. Mr. President, I have been around a while too, and I find if we can limit the amendments at this hour, identify them and get an order entered, that there will be no more amendments other than those that are enumerated, it will save us time on tomorrow.

Mr. SIMON. If the leader will yield, I have three amendments that are agreed to and I think will take less than 2 minutes apiece. But I have not listed them because they do not require rollcalls.

Mr. BYRD. Mr. President, of course, I do not know what the amendments will do. I would ask for the attention of the manager.

Mr. SIMON. I think they are agreed to by both sides.

Mr. CHILES. Those amendments are agreed to.

Mr. BYRD. Three amendments by Mr. SIMON.

The Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, I have one amendment. It is my understanding it has been agreed to. It will take no more than 90 seconds; perhaps 60 seconds.

Mr CHILES. We have a perfecting amendment to that.

Mr. PRYOR. I understand there will be a perfecting amendment to this amendment.

Mr. BINGAMAN. Mr. Leader, I have an amendment also which I believe has been agreed to by both sides which will take about 2 minutes.

Mr. KENNEDY. Mr. Leader, I have an amendment which I hope will be agreed to. I would not ask for a rollcall vote on it. Hopefully, it will be accepted. If not, I will take a voice vote on it. That is not the sense of the Senate.

Mr. WILSON. Mr. President, I have an amendment which I hope will be accepted. If it is, there will be no need for a rollcall, but at this point, staff on both sides are working on it.

Mr. WEICKER. The distinguished manager is trying to ascertain. We have just been handed it.

Mr. WILSON. It is related to uncompensated care for trauma centers; 10 minutes on a side if we have to have a rollcall.

Mr. BYRD. What does the amendment do? I am either not hearing very well tonight, or Senators are not speaking loudly enough. What does the amendment do?

Mr. WILSON. What does my amendment do? It would fund 13 million dollars' worth of trauma center uncompensated care attributable to the care of illegal aliens, undocumented workers. I would fund it by savings from unexpended funds from Public Health Service travel and other operating funds.

Mr. KENNEDY. Mr. President, reserving the right to object, what is the proposal dealing with illegal aliens' funding? Taking it out of Public Health Service?

Not having seen the amendment, I would object to a time limit on it until we have a chance to examine it.

Mr. WILSON. Then let us say about 10 minutes a side, Mr. Leader?

Mr. WEICKER. Again, until I have a chance to see it, because I know how carefully these matters have been worked out within the subcommittee, I am not prepared to see that kind of a transfer of funds. I could not agree to any time agreement on the amendment of the Senator from California. I say also that I have a sense-of-the-Senate resolution on low-income energy assistance which should not take any longer than 5 minutes. There should not be a rollcall vote unless somebody wants one.

Mr. STEVENS. Mr. President, if my friend will yield. I have one amendment that has been accepted on both sides.

Mr. BYRD. How much time does the Senator need?

Mr. STEVENS. One minute.

Mr. BYRD. All right. I make that request; 2 minutes equally divided.

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

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The majority leader still has the time.

Mr. WEICKER. I also indicate to the majority leader that Senators QUAYLE and STEVENS have an amendment which apparently is noncontroversial and they ask for time.

Mr. BYRD. Also, Mr. President, an amendment by Mr. BAUCUS; an amendment by Mr. RIEGLE; an amendment by Mr. METZENBAUM, and one by Mr. TRIBLE.

Mr. CHILES. All of which are noncontroversial and cleared on both sides.

Mr. BYRD. And the amendment that was referred to by Mr. WEICKER. It seems to me that completes the list of the amendments.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The majority leader still has the time.

Mr. PRYOR. If the majority leader will yield for a moment, Senator SASSER from Tennessee has an amendment and it is my understanding it will not take a rollcall vote. It will not take over 5 minutes equally divided to present the amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments that have been listed and the amendment by Mr. SASSER be the only amendments remaining to be called up to this bill, and the chairman has a package of six technical amendments.

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

Mr. BYRD. Mr. President, most of these amendments, as I listen to them, do not require much time. At least we know there will be no more amendments beyond those enumerated.

I thank all Senators.

Several Senators addressed the Chair.

Mr. DOLE. As I understand, we need to reconsider the tabling motion. The amendment needs to be adopted.

The PRESIDING OFFICER. The minority leader is correct. An amendment is pending, the amendment by the Senator from New Hampshire.

Mr. BYRD. Mr. President, my request did not mention the remaining committee amendments. Of course, I include those. Without objection, the committee amendments will be included.

Mr. HUMPHREY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The distinguished Republican leader has the floor.

Mr. DOLE. I yield to the Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the tabling motion was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the amendment.

The yeas and nays are ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to vitiate the request for the yeas and nays.

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

The question is on agreeing to the amendment, as modified.

The amendment (No. 2700), as modified, was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2701 TO EXCEPTED COMMITTEE AMENDMENT PAGE 40, LINE 23

Mr. NICKLES. 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 Oklahoma [Mr. NICKLES] proposes an amendment numbered 2701.

At the appropriate place add the following:

SEC. . None of the funds made available under this Act, or an amendment made by this Act for the Department of Health and Human Services including funds provided for under the heading grants to states for medicaid shall be used on the premises of any elementary or secondary school to provide the following: abortions, transportation to aid in obtaining an abortion, counseling to encourage a child to obtain an abortion, and referrals for obtaining an abortion.

Mr. NICKLES. Mr. President, this amendment is very short; it is very simple. It is one that I hope my colleagues will support. I hope the floor managers will support it as well.

Basically, this is identical to the amendment that Senator HELMS offered earlier that dealt with elementary and secondary schools providing assistance. In the past, it dealt with contraceptive drugs, abortion services, and referrals.

In this amendment, we have stricken the language that dealt with contraceptive drugs and devices. We have stricken that language, and we leave in the language, basically, as reported by the clerk that says none of the moneys used by those schools shall be used for abortions or transportation in obtaining an abortion, counseling to encourage a child to obtain an abortion or referrals for obtaining an abortion.

I think it is common sense. I hope that my colleagues will agree and accept this amendment. If we have a rollcall vote, I hope the majority of the Members will support it as well.

Mr. CHILES. Mr. President, I believe this is an amendment that we can take. We have stricken the language that I think was controversial before. It was allowing school-based clinics to give information on birth control devices where they thought it was necessary. It now deals strictly with abortion or transportation to an abortion.

I urge we take this on a voice vote.

I yield back my time.

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

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment by the Senator from Oklahoma.

The amendment (No. 2701) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the excepted committee amendment, as amended.

The excepted committee amendment, page 40, line 23, as amended, was agreed to.

Mr. CHILES. Mr. President, I ask unanimous consent that the remaining committee amendments be agreed to en bloc and that the bill, as thus amended, be considered as original text for purpose of further amendments providing that no points of order will be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from Pennsylvania.

AMENDMENT NO. 2702

(Purpose: To incease funding for the Adoption Opportunities Program by $2,000,000)

Mr. HEINZ. Mr. President, on Monday, I rose on the Senate floor to bring to the attention of my colleagues an amendment that I indicated I would offer at the appropriate time on adoption assistance. I now send that 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 Pennsylvania [Mr. HEINZ] proposes an amendment numbered 2702.

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

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

The amendment is as follows:

On page 26, line 21, strike "$132,578,000" and insert "$130,578,000".

On page 41, line 26, strike "Public Law 95-266" and insert "Public Law 100-294".

On page 42, line 8, strike "$2,573,465,000" and insert "$2,575,465,000".

The PRESIDING OFFICER. The Chair will remind the Senator there are 20 minutes to be equally divided.

Mr. HEINZ. Mr. President, I do not think it will take but a fraction of that time.

Mr. President, I rise to offer an amendment to the Labor-HHS appropriations bill which will provide more funds for the Adoption Opportunities Program and two new adoption program initiatives.

These programs are designed to help special needs children—children with physical, mental, and emotional disabilities, children that have been in foster care for a long period of time, and noninfant minority children.

According to the most recent figures from the Department of Health and Human Services, approximately 36,000 children with special needs are waiting to be placed in adoptive homes. Forty-two percent of these children are minority; 37 percent are handicapped; 68 percent have been in foster care for 2 years or more, and the median age of these children is 12.

The Adoption Opportunities Program is based on the premise that "no child is unadoptable." The program is used to help find homes for children in need of permanent, adoptive families and to eliminate barriers which might prevent the adoption of children with special needs. The Adoption Opportunities Program:

Funds State and regional training conferences in order to promote the sharing of expertise;

Develops curriculum materials for State adoption workers and supervisors;

Funds national and various regional adoption exchanges which help to match a family in one State who is interested in adopting a child in another State; and

Funds specific targeted efforts to recruit permanent adoptive homes for waiting children.

Sandra Lawrence of Philadelphia adopted Rasheen 6 years ago when he was 5 years old. Rasheen was in foster care for his first 5 years, he had a speech problem and was a slow learner. Now 11 years old, Rasheen is enrolled in a program for gifted children. Sandra used the services of the Adoption Opportunities Program to fund Rasheen.

Experience has shown that targeted public awareness campaigns can be a very effective method of recruiting adoptive families for special needs children. The National Adoption Center, a private nonprofit organization in Philadelphia that receives Federal funds from the Adoption Opportunities Program, works with national and local media—television, radio, and print—to feature individual children who are waiting for families. These features also alert the public to the existence of children with special needs. In Wisconsin, 80 newspapers run weekly articles on children in need of families in order to recruit rural adoptive families.

Linking special needs children waiting for a family with families wanting children also leads to adoptions. Funding from the Adoption Opportunities Program has been used by State adoption offices and adoption agencies to purchase computer equipment that allows them to join regional and national adoption networks. The National Adoption Center operates the national adoption exchange, a computer

network that links adoption agencies, local exchanges, and parent groups. The network provides a data base of waiting children and prospective families, and bulletins about current adoption practices, trends, and pertinent legislation. Through the network, waiting children can be matched with prospective parents. In 1987, 507 special needs children in Pennsylvania were registered on the exchange and 111 children were placed through the exchange.

Although the Adoption Opportunities Program has been successful and could be more successful with additional funds, Congress found, when reauthorizing the program, that additional needs must be addressed. These needs were defined as the placement of minority children and the provision of services to adoptive families following the legal adoption of special needs children.

Studies have shown that the number of minority children in foster care who are legally free and waiting for adoptive families is disproportionate. More than half of the children who were free for adoption were of racial or ethnic minority backgrounds, while the majority of children whose adoptions were finalized were white. The Minority Children Placement Program is designed to try to reverse this trend by increasing the placement of minority children in adoptive families, with a special emphasis on the recruitment of minority families. Activities under this program will include the recruitment of prospective adoptive families, outreach to inform the public of the needs and numbers of such children, and, where appropriate, expediting agency assessment of prospective adoptive families. Such targeted, comprehensive efforts will help identify adoptive families and make placements.

In addition to the need to increase minority placements, there is a great need for postlegal adoption services to help adoptive families. Working within limited budgets and having limited access to information on counseling methods, many agencies focus their resources on initial placements. Once the adoption is finalized, families are left to make it on their own. Sometimes, placements fail simply because of the lack of support services that could help the family make necessary adjustments. I have been told that parents struggling to maintain a family with a troubled adopted child were asked why they adopted and were advised "to send the child back."

Funding the Postlegal Adoption Services Program will make supportive services available to insure that adoptive families stay together. Currently, only a handful of agencies and private therapists provide specialized postlegal adoption counseling, primarily due to a lack of funding. As a result, many adoptive families report having encountered counselors and therapists who lack knowledge, familiarity, or understanding of adoption. The funds made available for the postlegal adoptive services will pay for individual, group, and family counseling, training of adoption personnel and mental health professionals, and assistance to adoptive parent support groups and other support groups.

Mr. President, my amendment will provide an additional $2 million for these worthy programs. This bill now provides $5 million for the Adoption Opportunities Program and no funds for the two new initiatives. The $2 million will be divided between the programs.

In order to provide additional funding to help these special needs children and their adoptive families, my amendment reduces the funding for the National Institute of Dental Research by $2 million. It directs that the funds earmarked to conduct behavior research on dental fear and anxiety be reduced, from its current level of $15 million to $13 million. The work of the National Institute of Dental Research is important to the dental well-being of all Americans. In particular, its research on dental pain brings significant benefits. However, I believe that the level of funding for behavioral studies, for example, on patient compliance with instructions, and the outreach efforts, such as videotapes, aimed at reducing dental fear could be reduced by $2 million without serious interruption to the program. This amendment may increase the likelihood that more special needs children like Rasheen can find a home.

Mr. President, all of us in the Senate are aware that when considering the budget, we have to make difficult choices. This amendment, to provide an additional $2 million to find homes for special needs children is well worth it, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that a letter from Sandy Lawrence describing her experience bringing Rasheen into her family be printed in the RECORD.

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

JULY 25, 1988.

Senator JOHN HEINZ,
Senate Office Building,
Washington, DC.

DEAR SENATOR HEINZ: I want to strongly support legislation you are introducing to increase funding for adoption opportunities, particularly to fund two critical new initiatives—the recruitment of families for minority children and post-legal adoption services.

I write to you both as an adoptive parent and as a long-time worker in the adoption field, with specific involvement with minority families. A majority of the children waiting for adoptive families in the United States are black. Most of them have been in foster care for a long time and many have been shifted from foster home to foster home while waiting for families.

I adopted my son, Rasheen, when he was five. Rasheen was lucky—he had been waiting for a family only for four years. When I adopted him, I was told that he was a child with "special needs." He had a serious speech problem and was considered to be a slow learner with an uncertain prognosis about his education future. He was also considered to have special needs simply because he was a black boy and because there are so many children like him waiting for families of their own.

In my experience in working with minority families, I know how difficult it is for families to make the decision to adopt. You can imagine, adoption of a child, especially a child who is older or has a disability of some kind, is a major milestone in the life of a family. It is not likely that hearing about the need for adoptive homes for these children one or two times will move someone to adopt. It takes a series of reminders that these children are available before someone's consciousness can be raised enough to consider adding such a child to his or her family. Most black people who eventually adopt do so only after seeing waiting children repeatedly on television, reading columns often, such as Friday's Child which has appeared in the Philadelphia Inquirer for 15 years, hearing a speaker in their church on Sunday, talking to other families who have adopted and generally being exposed to a variety of recruitment methods that kindle their interest in adopting. Without aggressive recruitment, the numbers of minority children waiting for families will continue to grow.

Through my own experience as an adoptive parent as well as my continuing work with other adoptive parents, I can attest to the critical importance of having post-legal adoption services available. Children who are adopted, as they grow up, have their own special issues about their status in the family and parents need a lot of help to help their children deal with it. Even more important, the children who are available for adoption have almost always gone through a lot of rejection and have experienced serious damage to their ego development and to their ability to function in a healthy and normal way. They have problems with trust because they have been let down so often. They have problems forming attachments because they have been disappointed too many times. Their behavior often demonstrates the sadness, anger, fear, futility and a variety of other emotions that spring from the impermanence they have known. I find it critical to belong to a support group of adoptive parents and know that therapists who are trained in these special issues of adoption and child development are very much needed by those of us who adopt children with special needs. More agencies must offer educational workshops and support to adoptive parents. They must recognize that adoption is a life-long process—that these children who are older and have other special needs wrestle with issues very different from children born into families or even from children adopted as infants.

I know that I speak for countless adoptive parents when I urge you to do all you can to increase funding for these services. Please let me know if there is anything more I can do to help.

Sincerely,

SANDY LAWRENCE.

Mr. HEINZ. Mr. President, this amendment will provide some $2 million for adoption opportunities, in particular the Adoption Opportunities Program and two new adoption program initiatives.

Right now, there are some 36,000 children with special needs who are waiting to be placed in adoptive homes. What this amendment will do is to take approximately $2 million from relatively lower priority sources in this appropriation and allocate them to the Adoption Opportunities Program, on the one hand, and two other programs, specifically the Post-Legal Adoption Services Program and the Minority Children Placement Program. They are well worthwhile programs that we have up until now failed to properly fund.

I reserve the remainder of my time, but I am told the manager of the bill had an opportunity to study this amendment.

Mr. CHILES. Mr. President, I hope the Senator will yield back the remainder of his time. We yield back the remainder of our time. We urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 2702) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2703

(Purpose: To reduce certain appropriations for consulting services)

Mr. PRYOR. Mr. President, I have an amendment I send 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 Arkansas [Mr. PRYOR] proposes an amendment numbered 2703.

Mr. PRYOR. 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:

CONSULTING SERVICES

SEC. . (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development and operational systems development; technical representatives; training; quality control, testing, and inspection services; specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to—

(1) 15 percent of the amount expended by such department, agency, or instrumentality for fiscal year 1987 for purposes described under subsection (a)(1); and

(2) 5 percent of the amount expended by such department, agency, or instrumentality for fiscal year 1987 for purposes described under subsection (a)(2).

(d) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

Mr. PRYOR. Mr. President, I rise today to offer an amendment to the Labor, Health and Human Services, Education and related agencies appropriations bill to reduce expenditures for consulting services. As many of my colleagues know, I have pledged to offer similar amendments to each and every appropriations bill which comes before the Senate.

Already the Senate has accepted five of these amendments, one each to Treasury-Postal, Foreign Operations, Housing and Urban Development, Transportation, and the Interior appropriation bills.

All of us are concerned with the procurement scandal unfolding over in the Pentagon. But I want to assure my colleagues that the buddy system which is at work in the defense industry is well entrenched in the civilian agencies as well.

At a June 13 hearing of the Federal Services Subcommittee—which I chair—the Office of Management and Budget [OMB] testified that Federal agencies spent up to $26 billion in fiscal year 1987 on consultant services. These same agencies only reported spending $243 million for the same time period. The agencies are obviously using a narrow definition of consultants.

Mr. President, at this hearing, the Deputy Director of OMB, Mr. Joseph Wright, made these kinds of remarks about the Government's use of consultants: I paraphrase:

The amount of consultant services used by the federal government is seriously understated.

It has taken OMB much too long to revise its A-120 Circular which governs the procurement of consultant services;

There is no consistency among the agencies of the federal government in terms of what they report as consultant contracts to the Federal Procuement Data System (FPDS).

Furthermore, Mr. Wright said:

"I do not see much progress. For example, in 1987, 50 percent of consultant contracts were noncompetitive. In addition, over two-thirds of the contract awards in 1987 were for modifications to existing contracts."

It is also important to note that within this appropriations function, the Inspectors General at HHS, Labor, and the Railroad Retirement Board, are in some form or fashion in noncompliance with 31 USC 1114(b), which requires that IG's monitor this area of Government contracting.

Mr. President, I hope what I'm about to say will demonstrate the magnitude of the underreporting of consultant contracts within the Labor, HHS, Education appropriations function. GAO provided me with a comparison of the figures these agencies reported, versus what they actually spent for consultants in fiscal year 1987. The reported figure: $18,918,000. In contrast, when the GAO used a more accurate definition of consultants, it came up with $354,328,000. Again, $18 million reported; $354 million spent.

My amendment uses both a Cabinet Council on Management and Administration (CCMA) study and the new OMB Circular A-120 to establish the universe of contracts we are limiting. I asked GAO to use the CCMA study to produce estimated figures for agency expenditures within this appropriation function for these kinds of contracts in fiscal year 1987. This is essentially our baseline. A baseline, I might add, that has never existed in the past, and which is absolutely essential if we are ever going to control this area of ever-increasing Government spending.

Mr. President, the estimated savings that would accrue from my amendment, using the fiscal year 1987 baseline is $30.4 million. This is certainly a meaningful effort at deficit reduction.

I should note that GAO supplied two sets of figures. One set includes everything that could be construed as consultant services. In this category, which includes some unknown level of consultant activity such as contracts

for technical representatives and quality control studies, I am requiring that agencies limit their spending to 95 percent of what they spent in fiscal year 1987, a 5-percent savings.

The second category, which GAO, OMB, and I all agree consists of consultant contracts, involves management and professional services, special studies and analyses, technical assistance and management reviews of program-funded organizations. Here I am requiring the agencies to limit their spending to 85 percent of what they spent in fiscal year 1987, a 15-percent savings. Also, I should note that the agencies, with OMB's guidance, will be required under my amendment to calculate their own fiscal year 1987 cost data, to which the cuts will be applied.

Mr. President, some have questioned whether this formula actually will produce savings. In order to respond objectively, I asked the Congressional Budget Office [CBO] to do a formal cost estimate of my amendment. CBO's conclusion is that the savings are real. I quote from the CBO letter, signed by Acting Director James L. Blum:

CBO expects that the language is sufficient to achieve the desired reduction in appropriation levels.

I hope my colleagues will join me in supporting this effort. In doing so, I believe we will restore some modest control to an area of procurement that has taken on a life of its own.

AMENDMENT NO. 2704 TO AMENDMENT NO. 2703

Mr. CHILES. Mr. President, we received the Pryor amendment. We would be pleased to accept it at this time with a small modification. I send a modification to the desk. This amendment would force a reduction of slightly more than $30 million in spending for consulting services as defined by OMB circular A-120.

Unfortunately this definition would cut some of the important audit work done by the Inspector General at HHS and Education.

Once we have had a chance to thoroughly examine this amendment and its impact on important audit oversight activities, we may need to make some modification to it in conference.

Additionally, I would like to suggest to Senator PRYOR that we amend this amendment by making the funds cut for consultant services available for pay raise expenses.

On the Treasury bill, when we increased the fiscal year 1989 pay raise to 4 percent from the 2 percent included in the President's request, we added $75 million that must be absorbed by the agencies in this bill.

That $62 million for HHS which includes $30 million for the Social Security Administration and $26 million for the Public Health Service; $11 million for the Department of Labor, and $2.5 million for the Department of Education.

Mr. President, we need to apply these consultant service funds to the pay raise requirements. This will amend the Pryor amendment in the same manner it was amended when the Treasury bill was on the floor.

I would like to urge the adoption of my modification and then I wish to support the Pryor amendment.

Mr. PRYOR. Mr. President, I am not wild about the amendment offered by the Senator from Florida but at this time of night I am not going to oppose it and I urge we accept the perfecting amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] proposes an Amendment No. 2704 to Amendment No. 2703:

Strike out subsection (c), beginning on page 2.

Insert the following in-lieu-thereof:

(c) All savings to any department, agency, or instrumentality which result from the application of subsection (a), shall be used for the four percent increase in rates of pay in such department, agency, or instrumentality made under this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the second degree offered by the Senator from Florida.

The amendment (No. 2704) was agreed to.

The PRESIDING OFFICER. The vote now is on agreeing to the amendment, as amended, by the Senator from Arkansas.

The amendment (No. 2703) was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2705

(Purpose: To provide $8,000,000 for the English Literacy program authorized by Section 372 of the Adult Education Act.)

Mr. BINGAMAN. 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 New Mexico [Mr. BINGAMAN], proposes an amendment numbered 2705.

Mr. BINGAMAN. 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 52, line 17, strike the numeral and insert in lieu thereof "$1,098,180,000".

On page 52, line 18, strike the numeral and insert in lieu thereof "$486,000,000".

On page 52, line 20, strike the numeral and insert in lieu thereof "$457,700,000".

On page 54, line 26, before the comma, insert "including section 372 of said Act".

On page 55, line 1, strike out "$1,076,130,000" and insert in lieu thereof "$1,084,130,000".

Mr. BINGAMAN. Mr. President, I understand that this amendment technically amends a section of the bill that has already been amended. I therefore ask unanimous consent that this amendment be considered in order.

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

Mr. BINGAMAN. Mr. President, this amendment is one which has been cleared by both the majority and minority sides.

The amendment I am offering today is designed to enhance a key element of the important vocational and adult education grant programs funded under the Department of Labor, HHS, and Education Appropriation Bill of 1989.

I am in strong support of the committee's recommendations for increases in funding for vocational and adult education. I believe the key to this Nation's ability to compete successfully—and to excel—in the 21st century lies in our ability to equip all of our citizens with the tools necessary to become productive, contributing members of our society.

The funding decreases that these two programs have experienced in recent years—and that would continue if the President's recommendations were followed—have deprived many citizens of this country of a fundamental, and absolutely essential, tool needed to fully participate in our society.

That tool is the ability to read.

The amendment I am offering builds upon the committee's recommendations by ensuring that literacy is within the grasp of as many citizens as possible. This amendment does not, I believe, take funding from the educational programs funded under this bill.

Rather, it simply shifts $8 million from the more than $500 million appropriated for chapter 2 State block grants, and thereby greatly enhances State, local,, and community-based vocational and adult education programs.

My amendment specifies that $8 million will be set aside for grants to States under the English Literacy Grant Program. That program was authorized through H.R. 5, the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988. It was derived from legislation I introduced in the 99th and 100th Congresses to establish, operate, and improve English literacy programs for individuals of limited English proficiency.

I believe the program is an essential, fundamental component of all vocational education efforts.

If our students cannot read, how can we expect them to learn—or to maintain a desire to continue learning?

I strongly believe that readily available and affordable English literacy programs are crucial for the social and economic well-being of growing numbers of participants in vocational and adult educational programs.

For example, national studies suggest that up to 56 percent of our adult Hispanic population can be considered functionally illiterate in English. The 1982 English Language Proficiency Survey found that 37 percent of the illiterate adults in this country speak a non-English language at home.

And without fundamental language skills, these people cannot fully contribute to our economic health and vitality.

These skills are readily measurable and, once acquired, have a near-immediate impact on our society and economy. Potential workers become workers, workers become managers and contributing members of the team.

I believe a specific and guaranteed, and readily measurable investment of just $8 million, as proposed in my amendment, is small when compared to the benefits that would result. English literacy programs benefit not only the individuals who participate in vocational and adult education, but our Nation at large.

I sincerely hope the Senate will agree that the need is critical to increase English literacy in this country. I urge support for my efforts to ensure funding for English Literacy Grants Program.

Mr. CHILES. The Senator from New Mexico was successful during the recent reauthorization of the Adult Education Act in getting the English Literacy Grant Program authorized. This program will serve a vitally important role in assisting local communities in meeting the language training needs of our recent immigrants. In New Mexico, just as in Florida and so many other States, Federal immigration policies haven't been met with adequate levels of Federal assistance to bring our recent immigrants fully into the mainstream.

The Senator from New Mexico has found an appropriate budget neutral offset for his amendment. Before the creation of the chapter 2 block grant in 1981, funds were set aside for the community organizations that will be the main beneficiaries of this amendment. So, we are breaking these funds out once again to finance this initiative.

I know that Senators CRANSTON, BENTSEN, and SIMON are also strongly in favor of this program so I am pleased to accept the amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment offered by the Senator from New Mexico.

The amendment (No. 2705) was agreed to.

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

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

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

AMENDMENT NO. 2706

Mr. CHILES. Mr. President, I send to the desk six technical amendments and ask for their immediate consideration.

Mr. President, I ask unanimous consent that the six technical amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], proposes amendments en bloc numbered 2706.

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

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

The amendment is as follows:

On page 74, line 9, after the word "expended", add the following: ": *Provided further,* That funds provided under this paragraph as well as $15,000,000 provided for Capital Outlay in Public Law 100-202 shall, immediately upon enactment of this act, be made available for the construction of a 200-bed Intermediate Care Facility on the grounds of the LaGarde building."

On page 42, line 8, before the period, insert: ": *Provided,* That appropriations to carry out the Comprehensive Child Development Program under chapter 8, subchapter E of the Omnibus Budget Reconciliation Act of 1981, shall be available notwithstanding Sec. 670T(b) of that Act.".

On page 68, line 25, add the following:

Furthermore, the Commission has the power to accept voluntary and uncompensated services, notwithstanding sections 208 and 209 of Public Law 99-660.

On page 54, after line 20, insert the following: "$750,000 shall be for carrying out section 202(j) (1),".

During the 12-month period beginning October 1, 1988, none of the funds were available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State pursuant to sections 427 or 471 of the Social Security Act, as a result of a disallowance determination made in connection with a compliance review for any federal fiscal year preceding federal fiscal year 1989, until all judicial proceedings, including appeals, relating to such disallowance determination have been finally concluded, nor may such funds be used to conduct further compliance reviews with respect to any State which is a party to such judicial proceeding until such proceeding has been finally concluded.

On page four, add the following language after line two:

The Congress recognizes the need to prepare the Nation's workforce for the more complex work environment of the U.S. post-industrial economy. The Congress is concerned with the findings of the Office of Technology Assessment that 25 million workers will have to upgrade their job skills by the end of this century. Accordingly, the Congress directs the Secretary to give priority to funding pilots and demonstrations and research, development, and evaluation programs that will address this urgent National priority.

Further, in recognition that upgrading the skills of 25 million workers cannot be achieved with current methods of teaching, the Congress directs the Secretary to fund from the available National activities program funds research and development projects using interactive laser-videodisc technology course materials that are specifically designed to upgrade "workplace literacy."

Mr. CHILES. Mr. President, these amendments are all technical in nature and have been cleared by the minority.

The first is necessary to ensure that funds provided by the committee for an intermediate care facility at the U.S. Soldiers Home are actually spent for that purpose.

The second would assure that committee intent is carried out with respect to the recently authorized Comprehensive Child Development Program.

The third would also assure that committee intent is carried out with respect to the availability of funds for the National Commission to Prevent Infant Mortality.

The fourth clarifies that funds are included in the rehabilitation services account to support a pediatric rehabilitation research center, as authorized under current law.

The fifth would provide a temporary moratorium on penalties against States under the Foster Care Program, until litigation is resolved.

The sixth amendment would direct the Secretary of Labor to fund, from the available Labor Department discretionary funds, research and development projects to upgrade workplace literacy.

Mr. WEICKER. Mr. President, I ask the Senator, is it his intention that in the competition for the grant under this section an existing center for pediatric rehabilitation research and training would be permitted to apply?

Mr. CHILES. Yes, that it is my intention.

Mr. WEICKER. I certainly agree and appreciate the clarification by my colleague.

PEDIATRIC REHABILITATION RESEARCH AND TRAINING CENTER

Mr. President, I thank my good friend from Florida, the chairman of the Labor-HHS Subcommittee, for offering an amendment at my request.

Mr. President, this amendment clarifies that, of the funds appropriated to

carry out the Rehabilitation Act of 1973, $750,000 is provided for the Pediatric Rehabilitation Research and Training Center authorized in the act. While sufficient funds are already included in the bill for the center, this amendment is necessary because I understand the Department has arbitrarily decided not to hold a new competition for this center. This decision was made in spite of the fact that the center was reauthorized in 1986 in the Rehabilitation Act amendments.

I further understand that the decision not to recompete the center was made after a review was undertaken by the Office of Management and Budget in an effort to avoid funding any program not specifically mentioned in appropriations bill language, and which was not a priority for the administration. In making this determination, the administration has ignored the continuing authority for this program under the Rehabilitation Act, the inclusion of funds in the appropriations bill, and the accompanying committee report which specifically discusses the ongoing need for a pediatric rehabilitation center.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment (No. 2706) was agreed to.

AMENDMENT NO. 2707

Mr. SIMON. Mr. President, I send three amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The Chair would inquire, is the Senator asking that these amendments be considered en bloc?

Mr. SIMON. I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois, Mr. SIMON, proposes amendments en bloc numbered 2707.

On page 56, line 24 between the words "study" and "in" insert the words "of less than one year".

On page 51, line 8, strike all after the word "That" through the word "to" on line 9 and insert in lieu thereof "no State shall receive less than $340,000 under section 1006 from".

On page 61, line 15, before the period insert a colon and the following: "*Provided further*, That the State of Illinois is relieved of all liability to repay the United States the sum of $14,547,769 representing payments made to Illinois under the Library Services and Construction Act for fiscal years 1977 through 1986 which were disallowed because of a pioneering nature of the program for libraries in that State and, in the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this proviso".

Mr. SIMON. Mr. President, today I am proposing amendments to the Labor, HHS, Education appropriations bill that request forgiveness language for the State of Illinois on its liability to repay the $14,547,769 in funds originally appropriated by the Department of Education. Mr. President, before I begin let me state that this amendment would have no budgetary impact on the appropriations bill before us.

The Department's $14 million claim is a result of three audits from fiscal years 1977 to 1986 on the Illinois State library system. The Education Appeals Board [EAB] found in favor of the Department on the first two audits and a third audit is pending. The Department claimed that Illinois misspent title I funds appropriated to it under the Library Services and Construction Act [LSCA], Public Law 91-600. The Department contends that title I funds were spent improperly for projects which were not solely for the benefit of public libraries and public library patrons.

Mr. President, the Illinois delegation has made numerous efforts over the years to work with the Department on this matter.

Illinois strongly contends that it has been unjustly fined. The Governor of Illinois, James Thompson, has met with Secretary Bennett and the entire delegation has signed letters to the Secretary in an effort to persuade him to "set-aside" the decision to fine Illinois. As a result, the Secretary has now agreed to cut the fine in half on the first two audits. The Department would also allow Illinois to apply for 75 percent "grant-backs" on each of its payments. Mr. President, if this proposal is approved by the Department of Justice, I recognize that it would drastically reduce Illinois' burden. However, I am still offering this amendment because I believe Illinois was unfairly fined in the first place.

The Illinois library system created 18 regional library systems as subgrantees of the LSCA funds. As a part of the regional library system, the State's public library members networked with nonpublic, nonmember libraries which allowed the public libraries to access materials and resources in nonpublic, nonmember libraries. The Department wants these funds returned because it claims that the funds helped to benefit nonpublic libraries in Illinois. In reality, Illinois' access of resources in nonpublic libraries greatly added to the system's resources and, thus, to the individual public libraries. Because this system networked with, and accessed the resources of, nonpublic, nonmember libraries, the Department contends that these funds should have come out of the LSCA title III funds allocated to Illinois for interlibrary cooperation and resource sharing.

Instead, Illinois allocated the bulk of funds for its library system from funds it received under title I for public library services and programs. It is for this reason that the Department is now demanding that the title I funds Illinois expended for title III types of programs be refunded.

The ultimate beneficiaries of the Illinois system were still public library users. For each year in question the Illinois State Library had submitted annual plans to the Department in accordance with the law. Mr. President, each year these plans were approved by the Department. The expansion of public library services through use of nonpublic library resources was considered by Illinois to be an eligible expenditure, since this expenditure was included in the State plans approved by the Department of Education.

Illinois has been a pioneering State in providing public library services and is considered to have a "model program." In fact, in the last audit conducted by the former Department of Health, Education, and Welfare, for the years 1974 to 1976, the Illinois library system was found to be in "exceptional order."

Requiring the Illinois library system to repay this $14 million in audit fines would not only cripple what was once a model system, but it would also be extremely unfair. The innovation, networking, and expansion accomplished in the Illinois library system is now being penalized.

Additionally, Illinois is not the only State to have run into this problem with title I funds. Similar types of problems on the misuse of title I funds have occurred in California, Ohio, Indiana, and Hawaii. The Hawkins-Stafford Elementary and Secondary School Improvement Act recently signed into law—Public Law 100-297—would reportedly resolve most of the problems with audit appeals in future cases.

Finally, Mr. President, I must reiterate that this amendment would have no budgetary impact or implications on the Department of Education nor on this appropriations bill.

Mr. DIXON. Mr. President, I rise to express my support for this amendment to H.R. 4783, the Departments of Labor, Health and Human Services, and Education appropriations for fiscal year 1989.

During my tenure as secretary of state in Illinois, prior to my coming to the U.S. Senate, I also served—by law—as the Illinois State librarian. Therefore, I fully understand the need for this amendment and am pleased that my distinguished colleague, Senator SIMON, is offering it.

What we have here is a battle among U.S. Department of Education auditors. An earlier audit covering a period relating to the service of my predeces-

sor as secretary of state, who, likewise, served as State librarian, put the stamp of approval on how Illinois utilized Federal funds intended for libraries. Now, a new series of audits have taken that stamp of approval away.

A portion of the most recent audits involved in this matter covered the Illinois State Library while I was State librarian. Other sections of the audits relate to the service of my successor currently serving as secretary of state and State librarian.

I should point out that this quandary we face is a bipartisan one, since my successor is not of my political faith.

There is a simple reason for this claim against the State of Illinois by the auditors. It is called a misunderstanding. We cannot get the misunderstanding resolved because we can't get the Department of Education auditors to listen long enough to understand what we've achieved for libraries in Illinois.

We have—and have had for several years—a unique and progressive setup for libraries. Under the leadership of the Illinois State Library, we have the State organized into regions which are coordinated by library systems—one system to a region.

The program people in the Department of Education understand this arrangement and, earlier, consistently approved the use of Federal funds channeled through the Illinois library systems. This procedure began years before I was State librarian and has continued since.

The Department of Education auditors simply do not understand the library systems in Illinois, and now they claim we must return Federal moneys legitimately expended in Illinois.

It is because of this simple misunderstanding—which should never have arisen—that Senator SIMON and I have been working with others to resolve this matter once and for all by adopting the language in this amendment.

We are proud of our libraries and our librarians in Illinois. Our library systems arrangement serves as a model for the Nation. We want to keep it that way. With the adoption of this amendment, our librarians can go back to serving the public without this matter hanging over their heads. We ask you to help us do just that.

Mr. President, I urge my colleagues to support this amendment.

Mr. SIMON. Mr. President, I intended to raise a point of order regarding certain language on page 51 of H.R. 4783, because that language made substantive changes in the small State minimum provisions affecting the chapter I, Compensatory Education Program in the Elementary and Secondary Education Act. The new small State minimum provisions were only recently enacted into law as part of the Hawkins-Stafford Elementary and Secondary Improvement Act of 1988 (P.L. 100-297). Under the current law the small State minimum would be $250,000, unless the concentration of chapter I eligible low-income children generated a larger amount under the statutory formula.

The provision contained in H.R. 4783 would have, in my view, provided an excessively large amount of concentration funds to States with small concentrations of chapter I eligible children. Since the purpose of the concentration provision is to provide additional chapter I funding to urban and rural areas with large numbers of low-income, educationally disadvantaged children, the current law sought only to provide a minimum dollar amount for the small States.

After discussing the provision in H.R. 4783 with my colleague, Senator RUDMAN, as well as with Senator KENNEDY, the distingushed chairman of the Committee on Labor and Human Resources, and with my friend, Senator CHILES, the manager of the bill, we have arrived at a compromise which is embodied in the amendment I have sent to the desk. I offer the amendment for myself, Mr. KENNEDY, Mr. CHILES, and Mr. RUDMAN. I believe it has been agreed to on both sides.

The amendment simply increases the small State minimum for fiscal year 1989 to $340,000 and leaves the ultimate resolution of this question to the Committee on Labor and Human Resources and the appropriate committee in the other body.

I urge the adoption of the amendment.

Mr. CHILES. Mr. President, this amendment addresses a provision in the bill regarding the small-State minimum for the chapter I program. The committee included this provision to ensure that certain small States would not have their allocation cut below the previous year's level at the same time as we are adding $245 million to the program. We have since been made aware that the authorizing committee had some objections. We have worked with the authorizing committee and taken care of their concerns with this substitute amendment so I am pleased to accept it.

CHAPTER I CONCENTRATION GRANT PROGRAM

Mr. RUDMAN. Mr. President, I rise to support the Simon amendment concerning the small State minimum for the chapter I Concentration Grant Program. Mr. President, during the Senate Appropriations Committee consideration of this bill, I offered an amendment which was accepted by the committee to conform the small State minimum for the chapter I Concentration Grant Program to what was originally passed by both the House and Senate in their respective versions of H.R. 5, legislation to reauthorize elementary and secondary education programs. Specifically, under both the House and Senate versions of H.R. 5, the Concentration Grant Program included a small State minimum of one-quarter of 1 percent. In conference, where other Members of the House and Senate do not have an opportunity to vote, limitations were added to this small State minimum which had the effect of significantly reducing the minimum for a handful of small States. The amendment I offered in committee waived the limitations so that the original one-quarter of 1 percent small State minimum was operative. I might note that, without my amendment, three of the affected small States are the only States which would not receive an increase in chapter I funds—basic and concentration grants combined—in spite of the fact that we are increasing chapter I funding by one-quarter of a billion dollars.

Mr. President, I subsequently became aware of the fact that some members of the authorizing committee had some concerns with my amendment. I have been pleased to work with my good friends from Massachusetts and Illinois to arrive at a compromise amendment. This amendment provides for a minimum allotment of $340,000 to all States under the Concentration Grant Program. Since this change is made for fiscal year 1989 only, it is certainly my hope that the authorizing committee will re-examine this issue for future years. I want to thank the chairman of our subcommittee, Mr. CHILES, for his support in this matter. I also want to express my appreciation for the willingness of Senator KENNEDY, the chairman of the authorizing committee, and Senator SIMON to resolve this matter and urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2707) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2708

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. QUAYLE] proposes an amendment numbered 2708.

Mr. QUAYLE. 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 30, line 19, strike out "and" and insert a comma.

On page 30, line 21, insert before the period a comma and "and of which $250,000 shall be available for advisory services relating to alcohol".

Mr. QUAYLE. Mr. President, this amendment, I believe, has been cleared on both sides.

Mr. President, this amendment would earmark $250,000 of the Alcohol, Drug Abuse and Mental Health Administration appropriation to be targeted for advisory services related to a critical national problem: alcoholism. The Secretary of Health and Human Services, the distinguished Dr. Otis R. Bowen, would use these funds for the important work being carried out by the National Citizens Commission on Alcoholism.

Alcohol abuse and alcoholism are a tragic problem, of enormous magnitude in this country. The toll of this disease spans all ages, races, and nationalities. And it has a devastating financial impact as well; Dr. Bowen has estimated that these problems cost the United States more than $100 billion annually.

For those of my colleagues who are not familiar with the National Citizens Commission, this is a nonprofit organization which was formed specifically to assist Dr. Bowen in a national alcoholism and alcohol abuse initiative he announced last fall.

Dr. Bowen was convinced that he could lend the high visibility of his office to formulate a national agenda to prevent and reduce alcohol-related problems. With this as his priority, Secretary Bowen formulated a 14-point plan to implement the agenda.

Some of the components of the Secretary's program are:

Improving current alcohol and drug education programs;

Developing an HHS public affairs campaign to increase awareness of the problems;

Alerting Federal employees to expanded health insurance coverage now available for treatment of alcohol and other drug abuse;

Working with the Department of Labor to educate small businesses about the economic and social benefits of employee assistance programs; and

Working with health care foundations to increase support for clinical training on alcoholism for health professionals.

The Commission, 1 of the 14 points in the Secretary's initiative, is promoting activities to increase awareness of the effects of alcohol-related problems on the national, State, and community levels. The Commission is also working to focus public awareness on alcoholism and other alcohol-related problems, reduce the stigma of the disease, and stimulate new action in the areas of research, prevention, and treatment.

A good example of the Commission's agenda is its aggressive public service announcement [PSA] campaign. Through these announcements—which are expected to be heard in both English and Spanish on 750 television stations and 300 radio stations—the Commission is focusing public attention on such issues as fetal alcohol syndrome, drinking and driving, youth and alcohol, and prescription drugs and alcohol.

In summary, these are important efforts in our campaign to address a serious national problem. Since, in this bill ADAMHA will receive an increase of almost $10 million over the President's budget request for alcoholism research, the small amount contained in my amendment will have not compromised ADAMHA's ability to carry out its mandate. I urge my colleagues to support this amendment.

Mr. CHILES. Mr. President, we have no objection to the amendment of the Senator from Indiana.

Mr. President, I am pleased that Secretary Bowen has begun an alcoholism initiative, and I understand that the advisory commission funded under the amendment will assist the Secretary in his fight against alcoholism. I hope that they will help publicize the dangers of the drug, alcohol.

The amendment requires no offset since it earmarks funds already provided in the bill.

We urge adoption of the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The amendment (No. 2708) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there are no further amendments, the Chair will call for the third reading.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I had hoped we might be able to work out the sense-of-the-Senate resolution. But we are not able to do that. We have a time agreement. I am quite prepared to enter into that and offer that in the next couple of minutes if that is the desire of the committee chairman. I hoped and there was some indication it might be acceptable. But if not, I will be quite prepared to wait here for some period of time to be able to offer it. I understand there was consultation about whether it would be considered. Otherwise, I am quite prepared to go to the time agreement which has been previously agreed to.

Mr. President, after that sense-of-the-Senate resolution, there is a very minor small amendment, but an important one, that I talked to the chairman about. If those are the final two amendments, I ask for a very brief quorum call for 2 or 3 minutes and then start the debate on our sense-of-the-Senate resolution.

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. CHILES. 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. 2709

(Purpose: To express the sense of the Senate that the amounts appropriated and available under the Act shall be $39,800,000,000, the amount specified in the Senate budget resolution for 1989)

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

Mr. CHILES. Mr. President, I know of no one who wants to speak on the other side of this amendment. I think we ought to be able to dispose of it right now.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. HEINZ, Mr. BRADLEY, Mr. SIMON, Mr. CHAFEE, Mr. SANFORD, Mr. BOREN, Mr. ADAMS, Mr. STAFFORD, Mr. METZENBAUM, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. PELL, and Mr. GRASSLEY, proposes an amendment numbered 2709.

Mr. KENNEDY. 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 79, between lines 21 and 22, insert the following:

SEC. . It is the sense of the Senate that the Senate conferees on this Act should in the conference report on this Act appropriate and make available amounts equal to $39,800,000,000 in budget authority.

Mr. KENNEDY. Mr. President, I appreciate the view of the chairman of the subcommittee. It is basic sense-of-the-Senate to indicate the priorities that this body places in terms of basic education. We know there has been a difference in terms of budget resolution and the conference on the budget resolution. That has been explained in terms of the crosswalking of various figures. It has been of central concern to me, and I know a number of the Members of the Senate.

This resolution is offered in a bipartisan spirit. It would be a clear indication of the kinds of priorities that we place on the questions of education. I welcome the fact that the chairman of the committee is willing to take this to conference.

Mr. President, I am offering this amendment on behalf of myself and Senators HEINZ, BRADLEY, SIMON, CHAFEE, SANFORD, BOREN, ADAMS, STAFFORD, METZENBAUM, DURENBERGER, MATSUNAGA, PELL, and GRASSLEY. Our proposed resolution will give the Senate a chance to voice its support for increasing funding to health, education, children's programs, safety net programs for the poor, and job training. I am also offering this amendment because I believe—and I know that many of my colleagues agree—that the allocation to the Labor-HHS-Education Subcommittee is too low.

Mr. President, the Senate voted in the budget resolution to provide $39.8 billion for this subcommittee and the conference budget resolution provided $40.2 billion. However, the bill we are considering provides $39.4 billion in budget authority. This is $400 million below the Senate budget resolution and almost $800 million below the level in the conference budget resolution.

We all know that we have a terrible budget deficit and that the deficit must be reduced. We are making progress in that direction. But we cannot reduce the budget deficit by putting the children, the disabled, the elderly, and the unwell at increased risk. This is the second year in a row that the budget resolution has been higher than the amount of money available under the Labor-HHS-Education appropriation bill. I believe we can do better.

The programs funded by this subcommittee includes those designed to aid our most vulnerable citizens, to ensure the health of our Nation, to provide essential services to the poor, to help disadvantaged citizens move into jobs, and to educate our children.

Some of these programs have been cut in the past or are being cut this year. For example, LIHEAP, a program that provides energy assistance to the Nation's poorest citizens and is a basic safety net program, has been slashed in recent years. At the funding level in this bill, the program will have received a 40-percent cut between 1986 and 1989 in nominal dollars. What we are talking about is turning off the heat on low-income elderly Americans. That is unacceptable to all of us.

The amendment I am proposing would express the sense of the Senate that the funds provided for programs under this act should equal the amount agreed to in the Senate budget resolution. I emphasize that this amendment does not bind the appropriations committee in any way. It would leave the decision about how to accomplish this to the appropriations committee. However, since the budget outlays in the House Labor-HHS-Education bill are virtually identical to the amount in the Senate budget resolution, I hope this amendment will encourage the Senate appropriations conferees to accept the House level in conference.

This is a vote to help the Nation's neediest citizens. It is a vote to help disadvantaged children. It is a vote to help low-income families pay their energy bills. It is a vote to help the homeless. It is a vote to help those who need medical care. I urge my colleagues to join me and the other cosponsors in voting to approve this resolution.

Mr. MATSUNAGA. Mr. President, I rise to express my support for the Kennedy sense of the Senate resolution, which encourages the Senate appropriations conferees to accept a higher level of funding for the Labor-Health and Human Services-Education appropriation for fiscal year 1989 during negotiations with their House counterparts.

The current Senate appropriation of $39.4 billion is $400 million below the Senate budget resolution and $800 million below the final budget resolution. Given our already serious underfunding of programs for our neediest citizens, this amendment, although nonbinding, provides the Senate an opportunity to voice its concern for our Nation's health, education, job training and human service needs.

I am, therefore, pleased to urge my colleagues to join in support of this important sense of the Senate resolution.

Thank you.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Chair would inform the Senate that we are under a time agreement on this.

Mr. KENNEDY. I yield such time as may be needed by those who request it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I am very pleased to join with Senators KENNEDY and BRADLEY in offering this amendment. It expresses the sense of the Senate that the conferees on this measure appropriate and make available the same amount of funds as were assumed in the Senate budget resolution.

I voted in favor of the budget resolution for fiscal year 1989 for several reasons, among them my belief that it provided sufficient resources for education, job training, health care, and human services. The bill before us, Mr. President, appropriates fully $400 million less than the amount assumed in that budget resolution and contained in the House-passed appropriation, and falls more than $100 million beneath the President's request.

So, those of us who supported the budget resolution feel, and I think quite rightly so, disappointed in the result we see here today. Support for a number of high-priority, low-income assistance programs has been frozen or reduced, and I would like to illustrate how serious this is:

In 1986, the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation recommended significant new measures to help return displaced workers to full employment. In the fiscal 1988 budget request, the President requested $980 million for this policy. Mr. President, the legislation before us freezes all assistance to displaced workers at last year's level of $287 million for JTPA's title III program, and $49 million for TAA training—one-third of the President's request. The modest increase which was assumed in both the House and Senate budget resolution has been canceled. Similarly, help for unemployed teenagers and youth is frozen at last year's level.

The Low-Income Home Energy Assistance Program has taken a whopping $365 million cut which will leave the poor and elderly at the mercy of a cold winter.

The fund for improvement and reform of schools and teaching, a program to help schools upgrade their teacher skills and modernize their curricula received no funding at all, despite a $12 million administration request, a similar House appropriation, and the endorsement of the NEA, the AFT, the Reagan administration, and the near-unanimous support of the authorizing committees in Congress.

Mr. President, I could go on. The fact remains that assumptions which accompanied the budget resolution have not yet been addressed, and it is the intention of this amendment to see that, in conference, these issues are dealt with fairly.

And fairness is a legitimate question to raise. As a percent of total Federal outlays, programs in function 500 of the budget, which includes education, training, employment and social services, have fallen from 5 percent in 1981 to 3 percent in 1987. The rate of growth in budget authority for programs in function 500 increased by 2 percent, on average, between fiscal 1982 and fiscal 1987.

Compare these figures with function 250 of the budget, which includes science, space and technology. Between fiscal year 1982 and fiscal year 1987, this function's budget authority increased 73.7 percent, for an average annual increase of 12.3 percent.

I support science and space technology. But we cannot say that we have restrained spending across the board. Some programs have benefited at the expense of others, particularly at the expense of human services and education programs.

Frankly, it will be extremely difficult for me, and for others, to support this appropriation if our amendment is defeated. The managers of the bill

have worked hard, under a tight allocation, to do their best. I do not fault them at all. But I cannot turn away from the commitment I have to the families who cannot pay their heating bills; to the displaced workers who need jobs; to the young people who need job training; and to the schools across this Nation which are struggling to produce capable, gifted Americans.

The amendment we are offering will help keep that commitment, and I urge its adoption.

Mr. President, I want to commend Senator KENNEDY and our fellow cosponsors, including Senator BRADLEY in offering this amendment. We all know that the budget summit of last year anticipated allocating some $400 million more than we have in this appropriation. We all believe that it is very important for these high-priority programs for education, and for health to get an appropriate share of the budget allocations.

There are the low-income energy assistance programs, workers dislocation, and many worthy programs. This amendment puts the Senate solidly on record, and it will be of help to the conferees in making sure that in conference we improve the funding that is allocated to this budget function.

So, I want to commend the Senator from Massachusetts and I hope the manager of the bill will support the amendment.

Mr. CHILES. Mr. President, I am ready to yield back the time. We will yield back ours and we will try to get this amendment agreed to.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachsuetts.

The amendment (No. 2709) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2710

(Purpose: To provide for the sense of the Senate with respect to priority for the Low Income Home Energy Assistance Program)

Mr. WEICKER. 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 Connecticut [Mr. WEICKER], for himself, and Mr. MITCHELL, Mr. HEINZ, Mr. RUDMAN, Mr. SIMON, Mr. BRADLEY, Mr. KENNEDY, and Mr. HARKIN, proposes an amendment numbered 2710.

Mr. WEICKER. 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 50, between lines 5 and 6, insert the following new section:

SEC. 221. (a) The Senate finds that—

(1) the Low Income Home Energy Assistance Program is a critical component of the Nation's "safety net" protecting the lives of the most vulnerable in our society through providing assistance to poor families unable to afford to heat their homes in the winter and cool them in the summer;

(2) the average recipient of the Low Income Home Energy Assistance Program has an income of 72 percent of the poverty level and nearly 40 percent are elderly or have an elderly member in the household;

(3) prolonged periods of very hot or very cold weather claim more lives nationally than any other natural disaster, with older persons as the primary victims of such disasters;

(4) if enacted at the level recommended by the President's budget, Federal funding for the Low Income Home Energy Assistance Program will have been cut 34 percent in the last 2 years;

(5) the Department of Health and Human Services estimates that in fiscal year 1988 500,000 households were dropped from the program and the average Low Income Home Energy Assistance Program benefit declined 3 percent to below $200 per year, with many States reporting the elimination of weatherization assistance, the reduction of crisis assistance, a cut in the summer cooling program and the early termination of programs, in order to cope with the 16 percent cut; and

(6) the budget summit agreement stipulated that in implementing the budget agreement essential programs serving the poor should have a priority.

(b) Therefore, it is the sense of the Senate that priority be given to providing an appropriation for the Low Income Home Energy Assistance Program in an amount not less than the fiscal year 1988 appropriation.

Mr. WEICKER. Mr. President, basically this is a sense-of-the-Senate resolution which brings focus upon the Low-Income Home Energy Assistance Program. We will be going to conference with a lower figure for this program than the House. The fact remains that by the time all this goes into law, winter will be upon us. I think the House figures more closely resemble the reality of this Nation in the wintertime than do the Senate figures.

I hope the sense-of-the-Senate resolution will be adopted, that we will make sure that neither those who are in extreme heat, as in the Southern States, or in extreme cold, as in the Northern States, would suffer for a lack of funds to provide whatever heating or cooling temperatures are needed.

I hope the amendment is agreed to. I understand it has the approval of the distinguished chairman of the committee. I might add that I submitted the proposed amendment on behalf of Senators HEINZ, MITCHELL, SIMON, RUDMAN, BRADLEY, KENNEDY, HARKIN, and others who deem to put their names to it prior to its passage.

Mr. President, the sense of the Senate resolution that I offer provides all Senators the opportunity to express their support for the restoration of funds to the Low-Income Home Energy Assistance Program which is so critical to millions of low income Americans.

The bill before us today provides the President's request for the Low-Income Energy Program which is only $1.18 billion, $344 million below last year's appropriation. A GAO report issued in April of this year found that of 13 States surveyed, all predicted a negative effect on benefits and the people served should the President's request be enacted in fiscal year 1989.

What will the negative effect be? The National Consumer Law Center, in a survey of 45 States reported that States already have cut heating benefits, reduced the number of households served, eliminated program funds for weatherization, closed programs early, cut the Summer Cooling Program and reduced or eliminated crisis assistance in response to Federal funding reductions. Similar cuts and program alterations by the States are predicted in fiscal year 1989 should the Senate level for low income energy assistance be enacted by the Congress. These cuts are particularly devastating to the elderly and infants who are the most vulnerable to the heat and cold.

A Centers for Disease Control study following the 1980 heat wave found heatstroke rates in persons 65 and older to be 12 or 13 times higher than the rest of the population. The Low-Income Home Energy Assistance Program is the only Federal program in place to provide relief to low income households during these times of crisis. I know that in my State of Connecticut the number of elderly households receiving low income energy assistance is increasing. Continued erosion of Federal support for the Low-Income Home Energy Assistance Program may place the lives of these citizens in jeopardy as Connecticut exhausts its oil overcharge dollars and the State struggles to adjust to the cut in Federal funds.

The GAO report also surveyed the availability of oil overcharge funds in the 13 States which many claim is the answer to offsetting the Federal cuts in the Low-Income Energy Program. The survey found that these funds have helped, but have not replaced Federal funding cuts. Furthermore, the GAO noted that when all sources of available funding are considered, the average low income energy assistance benefit level in fiscal year 1988 among the 13 States was 13 percent lower than the fiscal year 1986 level.

Mr. President, in 1980 Federal energy assistance covered roughly 40 percent of eligible heating and cooling

costs. In fiscal year 1988 program benefits will defray just 12.7 percent of those costs. If the Congress approves the $344 million cut in the Low-Income Home Energy Assistance Program included in this bill, that percentage will slip even further. Hundreds of thousands of families will lose their benefits, millions likely will have their benefits cut further, and more low income Americans will be forced to decide between heating their homes in the winter or cooling them in the summer and paying for food, clothes, transportation and other necessities for living.

This is not right, Mr. President. We must do better. We must not permit the Federal commitment to the Low-Income Home Energy Assistance Program to erode further. We must not turn our backs on the millions of low income Americans who depend on the few dollars the Federal Government provides for energy assistance. It is for this reason that I offer the sense of the Senate amendment today and urge my colleagues to support it.

Mr. RIEGLE. Mr. President, I would like to join my colleagues in expressing concern about cuts in the Low-Income Home Energy Assistance Program. The program has already been cut 37 percent from a high of $2.1 billion in 1985. In this bill, the Appropriations Committee is recommending an additional 21-percent cut, reducing funding to $1.19 billion, almost half its 1985 level. Mr. President, cuts in this program have already eroded protections for low income families. Further cuts, especially of this magnitude, could cause great hardship for many households and are, I believe, unconscionable.

LIHEAP currently serves only 40 percent of all eligible households. On the average, the program pays for less than 10 percent of a low income family's entire energy bill. Yet most low income people pay a larger percent of their home for heating and cooling. Low income households pay an average of 15 percent of their total income for energy—four times the national average.

In its report, the Senate Appropriations Committee says that oil overcharge funds can be used to replace LIHEAP funds. These funds, however, have not fully offset cuts in this program. Allocations to the States from the Exxon and Stripper Well cases have almost been entirely utilized and the availability of further overcharge funding is difficult to predict. Additional cuts in the program will be felt even more deeply in States that have been using this money for LIHEAP.

My State of Michigan, for example, will exhaust its oil overcharge resources by the end of the current fiscal year. Michigan, which has an aggressive Home Energy Assistance Program, has dedicated a large portion of its overcharge funds to LIHEAP. Much of the effect of previous LIHEAP cuts will be felt in my State during the next fiscal year. With further cuts in this program, many households could face severe reductions in benefits and possibly even life-threatening utility shutoffs.

Mr. President, this has been a very important program for many low income families. I would strongly urge my colleagues who will be conferees on this legislation to accept the House level of funding for the LIHEAP Program.

Mr. HEINZ. Mr. President, is the Senator from Maine seeking recognition?

The PRESIDING OFFICER. Does the Senator from Maine seek recognition to speak on this amendment?

Mr. MITCHELL. Yes.

Mr. President, I am pleased to speak in support of the amendment offered by the distinguished Senator from Connecticut, Mr. WEICKER. His amendment expresses the sense of the Senate that priority should be given to funding the Low-Income Energy Assistance Program at a level not less then the fiscal year 1988 appropriations.

The bill now before the Senate, H.R. 4783, the fiscal 1989 Labor, HHS, and Education Appropriations Act, recommends an appropriation of $1.187 billion for the Low-Income Home Energy Assistance or LIHEAP Program.

This is the amount requested by the administration. It is $380 million below the House allowance and $344.8 million below current funding. It represents a continuation of an unfortunate trend in funding for this vital program.

LIHEAP was reauthorized for 4 years in 1986. Authorized levels were established at gradually increasing amounts: $2.050 billion for fiscal year 1987; $2.132 billion for fiscal year 1988; $2.218 billion for fiscal year 1989; and $2.307 billion for fiscal year 1990.

But, appropriations for the program, where the Congress puts its commitment to the dollar and cents test, have not reached the authorized amounts: $1.822 billion in fiscal year 1987 and $1.531 billion in fiscal year 1988. Now the Appropriations Committee proposes a further cut to $1.187 billion.

I am afraid this reduction in LIHEAP funding threatens the ability of this program in many States to deliver the assistance necessary for thousands of low-income, elderly, and handicapped citizens. I do not believe that is the intention of the Appropriations Committee.

In fact, the committee report discusses the "substantial amounts" of unspent oil overcharge funds available to offset the impact of Federal cutbacks in LIHEAP. Specifically, the committee reports refers to testimony that the States have $1.3 billion in remaining unspent overcharge distributions and an estimated $246 million that may be distributed to States in the coming year.

The question facing Senators today as they consider a 20-percent cut in LIHEAP funding for the coming year is whether or not oil overcharge funds will be available in their States to make up the difference.

There are two principal sources of oil overcharge funds. Both result from litigation brought against oil companies alleging overcharges of Federal price controls on crude oil and petroleum products between 1973 and 1981.

The first is the 1985 Exxon case, under which States have received $2.1 billion. Under the court order which governs those funds, States must distribute their share of the money through one, or a combination of five designated programs: the Low-Income Energy Assistance Program; the Low-Income Weatherization Assistance Program; the Schools and Hospitals Weatherization Program; the State Energy Conservaton Program; and the Energy Extension Service Program.

The model used by the court in choosing these programs was the 1982 Warner amendment. The court also adopted the resitutionary principle set forth in the Warner amendment, which requires that these oil overcharge funds be used to "supplement, not supplant existing Federal and State resources."

The second source of overcharge money is the Stripper Well case, settled in 1986. Although the payments from that may reach $4 to $5 billion, under the terms of the settlement agreement States will receive only 40 percent of the settlement, about $1.6 billion.

So far, States have received about $970 million from the Stripper Well settlement. Although the committee report estimates that States may receive an additional $246 million in fiscal year 1989, there is no assurance that payment will be made.

Under Stripper Well, States have more leeway in spending their money than under Exxon. They can spend the money on the five so-called Warner amendment programs or other programs approved by the Department of Energy. Those choices include, for example, energy-related transportation improvements.

But as in the Exxon case, the settlement agreement requires States to use these funds to "supplement, not supplant" Federal and State resources.

So now we come to the question of whether or not oil overcharge money can or will be used by the States to make up a cut in LIHEAP funding this year.

A General Accounting Office briefing document for the Labor, HHS and Education Subcommittee on Appro-

priations and a 1987 National Consumer Law Center survey of States to determine their use of oil overcharge funds, conducted last winter, make some interesting points on that question.

I think they make it clear that many States will not make up the difference in Federal funding either because the money is not there or because they choose to utilize those funds for other purposes.

If I am right, the end results, if the committee's recommendation goes into effect, will be diminished LIHEAP benefits or a reduction in the number of households that receive LIHEAP benefits. Neither is acceptable.

First, and most significantly, the NCLC survey shows that 31 States have already allocated all of their Exxon money. Roughly 84 percent of all Exxon payments received by States have already been allocated.

In its survey of 13 States, the GAO found that 7 States had no Exxon money remaining.

According to the NCLC survey, 47 percent of the Exxon money has been allocated to the two low-income programs allowed under the Warner amendment, LIHEAP and weatherization.

The Stripper Well figures are similar. Through November 1987, States had received $867 million in payments. Thirteen States had already allocated all of their Stripper Well funds. States had allocated two-thirds of the Stripper Well funds. About 19 percent had been allocated to LIHEAP, weatherization, or other low-income programs.

States have received a little over $3 billion of the $3.7 billion in oil overcharge payments they are to receive. There is no more Exxon money to be distributed and it's uncertain when more Stripper Well distributions will occur.

According to the NCLC survey, the majority of oil overcharge funds used for LIHEAP came from Exxon payments. Since only 16 percent of Exxon funds remain, LIHEAP will have to depend on Stripper Well funds to replace Federal funds.

But not all States are in a position to meet that challenge. Let me use my State as an example.

Maine has received $15.1 million in Exxon funds and $8 million in Stripper Well funds. All of Maine's Exxon funds have been allocated and only the $500,000 received by the State in the most recent distribution of Stripper Well funds has not been allocated.

From its oil overcharge funds, Maine has allocated $2 million to LIHEAP and $7.6 milllion to weatherization.

Over the past 4 years, Maine's LIHEAP allocation has been reduced $7.3 million. The funding level called for in this bill would result in Maine's LIHEAP allocation being reduced by another $4 million in fiscal year 1989.

And as I have just mentioned, Maine has only $500,000 in oil overcharge funds left to be allocated by the State legislature. Even if the State of Maine wished to make up the cut in LIHEAP dollars with oil overcharge payments, it would come up about $3.5 million short.

Interestingly, GAO found that five of the 13 States surveyed faced LIPEAP cuts under this bill that essentially equaled or exceeded their remaining oil overcharge funds.

So, while in total, there may be oil overcharge funds available, it is plain that availability varies by State. Some States may have oil overcharge payments to earmark for the LIHEAP Program, many do not.

And while Maine has the need and a demonstrated commitment to LIHEAP, Maine has no oil overcharge funds left to offset cuts in LIHEAP.

Now, according to GAO, California may have available oil overcharge funds, Florida may have available oil overcharge funds, Kentucky may have available funds, and Texas may have sufficient oil overcharge funds to make up the cuts in LIHEAP.

But, the harsh cold reality for Maine's poor, elderly, and handicapped citizens who depend on LIHEAP is that those States are not very likely to give that money to Maine.

And even in those cases where oil overcharge money may be available, States are not required, nor should this Senate coerce them, into spending oil overcharge payments to LIHEAP.

Under both the Exxon court order and the Stripper Well settlement agreement, States are directed to use the oil overcharge payments for a variety of programs and in all cases to "supplement, not supplant existing Federal and State resources." But the committee recommendation calls on States to do just the opposite, to supplant Federal support, not supplement it.

Mr. President, the consequences of the proposed LIHEAP cut are clear. Either many of the homes presently receiving LIHEAP benefits will be denied benefits or the benefit provided will be cut.

I do not believe that the reduction in LIHEAP is good public policy. Given the varying availability of oil overcharge funding by States, it is most certainly not an equitable policy.

So, that I hope the Senate will accept the amendment offered by the distinguished Senator from Connecticut. In doing so, it will make clear its belief that sufficient resources should be directed to LIHEAP to allow this program to meet the needs of the thousands of low-income, elderly, and handicapped citizens who depend on it to help meet their energy needs.

Mr. HEINZ. Mr. President, I rise this evening to offer my strongest support for the sense of the Senate resolution offered by the distinguished senior Senator from Connecticut.

Federal funding for the Low-Income Home Energy Assistance Program [LIHEAP] peaked at $2.1 billion in fiscal 1985. Since then, Congress has reduced funding for the program by 27 percent, to $1.532 billion. Now we stand poised to reduce it another 23 percent, to $1.187 billion. Because of the steady erosion in Federal support for the program, LIHEAP benefits reach just 6.7 million households, fewer than 40 percent of the estimated 18 million eligible under State standards. If we consider the federally eligible, benefits reach fewer that 30 percent of those households.

LIHEAP recipients truly are the neediest of the needy. Poor women with dependent children. The frail elderly, on fixed incomes. Households headed by or containing handicapped persons. The working poor. Some are in the grips of seemingly permanent poverty. The majority are faced with a temporary but severe need for help in meeting their budgets.

According to the benchmark 1986 report prepared for the National Association of State Community Service Programs—NASCSP report—households eligible for LIHEAP benefits had a mean income of $6,184 in 1984—less than one-quarter the national average, $25,194, for that year. The LIHEAP household spent: 44 percent of its income, $2,692, on housing; 35 percent, $2,192, on food; and 15 percent, $942—four times the national average—on home energy; leaving only 6 percent, $355, for all discretionary expenses.

Imagine having just $30 per month for everthing else: transportation, clothing, school books, medication—a LIHEAP benefit of $213—the national average that year—boosted discretionary income by 60 percent—for those households fortunate enough to receive one.

The simple, hard truth of the matter is that the poor remain largely unable to pay their energy bills.

Mr. President, there are four myths about LIHEAP I would like to expose and explode. They are persistent and pernicious.

Myth No. 1, Mr. President, is that energy prices are not a problem for the poor anymore because of the recent glut.

Home heating oil prices have softened. The price drop has brought important relief to the 21 percent of low-income households that heat with oil. Other low-income energy sources—gas, LPG, and electricity—are more costly now than they were in 1981.

According to the NASCSP report, LIHEAP:

Assistance is a meaningful supplement to low income household budgets, but these

payments, on average, are not high enough to bring the household "energy burden" or percent of income spent for residential energy, down to its level at the time of the 1978 price explosion.

Indeed, the poor are worse off now than they were a few years ago. According to a recent Northeast-Midwest Institute report, Federal energy assistance covered roughly 40 percent of eligible households heating and cooling costs in 1980. This year, LIHEAP benefits will defray under 13 percent of those costs. The Institute report assumes that low-income households spend 10 percent of their income—or more than twice the national average—on energy bills. And I would point out here that heating and cooling costs account for just 40 percent of the low-income household's total energy expenditures.

Myth No. 2, Mr. President, is that State oil overcharge moneys are sufficient to compensate for Federal spending cuts in LIHEAP.

The committee report accompanying the Labor/HHS bill (H.R. 4783) states "The administration has testified that the States have $1,300,000,000 in remaining unspent overcharge distributions * * *" (S. Rept. 100-399, page 183).

Not so. The administration erroneously assumes that funds not reported in spending plans submitted to the Department of Energy [DOE] are available. In a recent General Accounting Office [GAO] report, the administration admits its estimates of available funds may be inaccurate. It seems some States—probably most or all—have internally approved proposals allocating funds but have yet to submit them to DOE for approval. In short, the moneys available include considerable amounts allocated and, in some instances, even obligated.

Last fall, the National Consumer Law Center [NCLC] conducted a 50-State survey to determine the availability of oil overcharge moneys. NCLC's data indicate that close to 80 percent of all Exxon and Stripper Well funds distributed have been allocated.

Specifically, 32 States have exhausted their Exxon funds. Fourteen States have exhausted Exxon and Stripper Well funds. Another nine States have less than 20 percent of their Exxon and Stripper Well funds remaining.

Allow me, Mr. President, to cite one example. GAO recently prepared a report for the chairman of the Labor/HHS Appropriations Subcommittee, Senator CHILES. GAO mistakenly reported that my State—the Commonwealth of Pennsylvania—has $70.8 million in available oil overcharge funds. In fact, Pennsylvania has exhausted its overcharge account.

John White, Secretary of Pennsylvania's Department of Public Welfare, wrote to Representative SILVIO CONTE last May. He stated:

> The Governor's budget for 1988-89 maintains the State's 1987 service level by using the entire balance of Exxon funds and the full 75 percent allowed for low income programs under the Stripper Well Court Order. Any cut below the Federal amount received in fiscal year 1988 will result in reduced service to disadvantaged Pennsylvanians.

LIHEAP funding for the Commonwealth of Pennsylvania has dropped from $134 million to $104 million. If the Senate Appropriations Committee fiscal 1989 figure for LIHEAP is enacted, funding will shrink further, to $81 million. Governor Casey informs me that 70,000 households could lose their benefits entirely.

I have additional letters, from the Governor and Michael Hershock, secretary of the Governor's budget office, which further document Pennsylvania's responsibility in targeting oil overcharge money to LIHEAP and low-income weatherization. Specifically, in the last 2 years, the Commonwealth has spent $90.8 million in oil overcharge funds. Sixty percent has been spent on LIHEAP. Twenty-two percent has been spent on weatherization.

A related myth, Mr. President—No. 3—is that energy assistance must be a low priority because States do not use much of their overcharge moneys on it, and they continue to transfer LIHEAP funds to other block grants.

Under the Warner amendment, States are permitted to spend Exxon moneys on five different DOE energy conservation programs, not just LIHEAP. Stripper Well funds can be spent on the five DOE programs, but also on energy audits, public transportation, highway and bridge maintenance and repair, and a variety of other high priority programs. Because overcharge moneys are meant to provide restitution to all aggrieved consumers, DOE has stipulated that no more than 75 percent of Stripper Well funds may be used for low income purposes.

According to a May 1988 GAO report, States have spent 59 percent of their Exxon funds and 21 percent of their Stripper Well funds exclusively on low-income weatherization and LIHEAP. These are credible amounts.

Mr. President, there are a few large, warm-weather States—regrettably—that do not put overcharge moneys into LIHEAP. And the percentage of overcharge moneys they receive is larger than their percentage of LIHEAP funds. So they tend to distort the picture when we consider whether States are spending sufficient amounts of overcharge moneys on low-income energy assistance. Perhaps Congress ought to consider changing the overcharge allocation formula to match the LIHEAP allocation formula.

A related point, Mr. President, concerns transfers from LIHEAP to other block grant programs. First, the largest percentage transfers—up to 15 percent—are made to low income weatherization, surely a longer term solution to the energy burden problem.

Second, other transfers—up to 10 percent—have accrued primarily to the social service block grant, which has experienced the largest dollar reduction of all the block grants created by the Omnibus Reconciliation Act of 1981.

Third, since the onset of LIHEAP funding cuts, virtually all of the cold-weather States have eliminated or sharply curtailed transfers to other block grants. Of 13 States surveyed by GAO, only 5 continue to transfer 10 percent of their LIHEAP funds; 4 are warm-weather States.

I think it is disingenuous to permit States to transfer a modest amount of funds to other vitally important block grants, cut funding for those block grants, and then criticize the States for making the transfers. If it is a problem, we ought to boost funding for the other block grants and remove authority for the transfers.

Mr. President, the last myth—No. 4—is that LIHEAP is just a heating program for cold-weather States.

Admittedly, the bulk of funds go to heating. But this is no justification to cut funding. Cooling is an integral part of LIHEAP.

The 1980 heat wave killed 15,000 people, 70 percent of whom were 65 or older. Hot weather places a strain on the heart. Heat wave studies indicate that the greatest number of fatalities are caused by heart attacks and stroke. Clearly, the elderly, with diminished cardiovascular stamina, are particularly vulnerable.

The elderly poor are most at risk. Many low-income elderly persons do not have access to good housing, air conditioning, medical care, and other supportive services even those individuals with access to air conditioning do not use it, or use it sparingly, for fear of high utility bills.

I remember chairing an Aging Committee hearing on energy costs and the elderly following the 1980 heat wave. Electricity consumption for cooling increased by $1.4 billion during the heat wave. We heard testimony from social service volunteers who found elderly citizens dead in their apartments or homes, just a few feet away from an unplugged air conditioner or fan.

We do not know how many deaths are attributable to the current drought and hot weather. A rule of thumb, according to Moulton Avery of the Center for Environmental Physiology, is that for each case of actual heat prostration, another 10 to 12 die of heart attacks or stroke occasioned by heat stress. Part of our problem is

that the National Center for Health Statistics has no specific mandate or funding to track heat-related deaths. Perhaps it should.

At any rate, the current spell of bad weather is having an undesirable effect on low-income households. The drought has forced Alabama to close 14 of its hydroelectric plants and purchase more expensive steam generated electricity. Idaho Power Co. is relying on coal-fired generators because of low water on the Snake River. The State utilities commission has authorized the company to levy a $9.6 million surcharge on its 260,000 customers. Arkansas Gov. Bill Clinton reports his State will have no LIHEAP funds to help 28,000 elderly households meet their peak summer electricity bills.

Mr. President, Representative SILVIO CONTE—long a LIHEAP champion—wrote to all 50 States, the District of Columbia, and U.S. trust territories and possessions a few months ago. Specifically, he requested information concerning the impact of recent LIHEAP funding cuts and the availability and use of oil overcharge moneys. He has shared with me 37 responses. Uniformly, they decry the reductions. They argue they are allocating overcharge moneys in a justifiable fashion. And they warn of the dark impact of any additional funding cuts. I am tempted to have the letters printed in the RECORD. But I will not. We hear increasingly of the cost of printing the RECORD. But if any of my colleagues are interested to hear about their particular State, I will be happy to share an appropriate letter, should I have one.

Mr. President, I fear that I have talked longer than I intended. But this program is so critically important. It literally saves lives. And justifications for cutting it simply do not stand up to scrutiny.

Mr. DANFORTH. Mr. President, I would like to make a few remarks about the Low Income Home Energy Assistance Program [LIHEAP]. This program is one of the most beneficial programs that the Government provides to our needy citizens. There are few human needs more basic than food, shelter, and warmth, and the LIHEAP Program helps provide millions of Americans each year with one of these most basic needs—heat.

This year the Appropriations Committee has cut the LIHEAP Program by $345 million from the fiscal year 1988 funding level, which itself was a cut of $290 million from the fiscal year 1987 level. In Missouri alone, according to the Missouri Department of Social Services, this cut in funding will require the elimination of heat assistance services to 21,000 households that received assistance in fiscal year 1988. Most of the people who would be denied heat assistance are elderly and disabled people who face extreme hardship when they are cut off from this assistance.

Mr. President, because of the extreme importance of the LIHEAP Program to our citizens, I am supporting Senator HEINZ' amendment to add $110 million to the LIHEAP Program. I recognize that this amendment will require a waiver of the Budget Act, and I am generally opposed to all such waivers. However, I plan to make an exception in this case because the $110 million we are adding to LIHEAP matches the $110 million that we did not spend in the energy and water appropriations bill.

The conference report on the energy and water appropriations bill (H.R. 4567) was $110 million below that subcommittee's 302(b) allocation for budget outlays, Last month I joined 29 other Senators in a letter to the Appropriations Committee requesting the committee to reallocate these precious funds to the Labor-HHS Subcommittee for the LIHEAP Program. However, the Appropriations Committee decided not to make the reallocation at this time.

Mr. D'AMATO. Mr. President, I support the amendment by Senator WEICKER to restore funding to the Low-Income Home Energy Assistance Program [LIHEAP]. The fiscal year 1989 Labor-HHS appropriations bill cuts funding for this program by 22 percent—from $1.5 billion in fiscal year 1988 to $1.2 billion for fiscal year 1989.

This proposed 22-percent cut would be devastating to New York State. Under this bill, New York will receive a 12.7-percent cut, leaving an amount hardly sufficient to provide relief to the over 1 million LIHEAP households in my State. Since 1985, when funding for LIHEAP peaked, New York's share of LIHEAP funding has been cut $113 million.

In New York we have already witnessed the serious effects from the nearly $300 million in LIHEAP cuts that we approved last year. In early April, LIHEAP was forced to shut down, leaving almost 20,000 households who applied for energy help without any money for benefits, even though all of those applications had been approved. I must emphasize that this happened in a year when the State was able to make up most of the $37 million we took out of its LIHEAP allocation by using funds left over from the previous year. Well, this year there are no left-over funds, so the actual cut that New York faces under this bill is $75 million.

Cuts of the magnitude contained in this bill mean even colder winters for LIHEAP households. It is more than likely that the program will be closed down in New York even earlier than it was this year. The 22-percent cut also means that the average LIHEAP benefit in my State is likely to drop from $240 to perhaps $150 per household. In a State with severe winters like New York, that's not enough to heat a household for even a single winter month, let alone an entire winter.

Mr. President, with energy prices on the rise, we simply cannot subject our Nation's poor, elderly, and handicapped to this type of a cut. LIHEAP households already spend 15 percent of their incomes on energy, nearly four times the national average. We cannot stand here and make a difficult situation worse. I urge my colleagues to support Senator WEICKER's amendment.

Mr. SIMON. Mr. President, I am here today to speak in support of the Low-Income Home Energy Assistance Program [LIHEAP] and to request each of my colleagues to also support this critical program. I would specifically like to urge my colleagues on the Senate Appropriations Committee to restore full funding for LIHEAP in conference on the labor, HHS, education appropriations bill.

Additionally, I would like to urge my colleagues on the Appropriations Committee to use their 302(e) budget authority to reallocate the $102 million which has not been allocated in the energy and water appropriations bill into the labor, HHS, education appropriations. No other low-income program has been cut to the extent that LIHEAP has in the last few years. Now we have an opportunity to put funds that have not been allocated in the energy and water appropriations bill into a program desperately in need of funds.

Mr. President, LIHEAP funds have been slashed repeatedly over the last few years. As recently as fiscal year 1985 this program had $2.1 billion. Since then we have continually reduced funding on this program, to a low of $1.5 billion this year. The Senate Appropriations Subcommittee proposes to cut this program once again down to $1.187 billion, while the House would provide for a small inflationary increase in current appropriations for a total of $1.532 billion. Once again, this year there is a huge disparity between the House and the Senate subcommittee appropriations for LIHEAP funds in the labor, HHS, education bill.

The Senate funding level would result in more than a 40-percent reduction in LIHEAP funds just since 1986. The additional cut proposed in the Senate would result in serving even fewer households than the present 30 percent of the income-eligible households in our country now being served.

In my home State of Illinois, 70,000 households were dropped from the program in just 1 year because of last year's cutbacks. Of these recipient households, 84 percent had incomes

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under $6,000 per year. If the Senate reductions in this program are retained in conference, another 50,000 Illinois households will be cut from this program. Mr. President, these cutbacks have also meant the complete elimination of the summer cooling program in the State of Illinois. This program has been eliminated precisely at a time when we are suffering through one of the hottest, driest summers in 50 years.

Mr. President, the States no longer have the oil overcharge funds to rely on for low-income energy assistance funds. The funds are essentially drying up. The Exxon oil overcharge fund was a one-time allotment, and nationally, 75 to 80 percent of these funds have now been committed. The stripper well oil overcharge funds are also running dry. In my home State of Illinois, they are only expecting about $5 million in funds per year from the new Texaco stripper well fund.

Mr. President, the few million expected from the oil overcharge funds cannot begin to make up for the funding shortfall anticipated. Illinois is not an exception, it is typical of the cutbacks experienced in all cold weather States. LIHEAP funding for the poor is generally the last stop prior to a family ending up out on the streets. Once the utilities are shutoff it is nearly impossible for a family to remain in their home. And, I do not have to tell any of you the devastating effects of homelessness. This program is a critical stopgap measure.

Again, I urge my colleagues to provide their full support to LIHEAP and restore its funding.

Mr. METZENBAUM. Mr. President, I add my very strong support to this resolution in support of increased funding for the Low-Income Home Energy Assistance Program.

As many of my colleagues know, this program has been repeatedly cut over the last several years. Each year, when many important social programs compete for the scarce Labor/HHS funds, the LIHEAP Program takes a disproportionate cut.

In other words, LIHEAP's piece of the pie keeps shrinking.

Unfortunately, the pie itself is too small.

All the programs funded in this bill are vitally important to millions of Americans, and many have been drastically reduced in recent years.

I fully appreciate the need to reduce the Federal deficit, and believe that it can be accomplished in a responsible manner which does not jeopardize the health and well-being of the Nation's neediest households.

Mr. President, the LIHEAP Program primarily benefits the working poor and the elderly poor—those who are just barely hanging on.

The average LIHEAP recipient has only about $10 a week in disposable income after paying for housing, food, and home energy.

Furthermore, only a small portion of total energy costs is covered by LIHEAP. The average LIHEAP benefit is only about $200 a year, versus about $1,000 in energy costs.

Currently, only about one-third of the households eligible for LIHEAP are receiving benefits from the program.

Further cuts would force States to either reduce the benefits, or reduce the number of recipients.

If the administration's proposed fiscal year 1989 funding level for LIHEAP is adopted, Ohio's share of funds will have been reduced by $42 million since fiscal year 1986.

Such a drastic reduction over 3 years would cause severe cutbacks in my State.

Ohio's remaining oil overcharge funds could not begin to compensate for budget cuts of this magnitude.

In the current fiscal year, Ohio received $78.5 million in LIHEAP funds, which are serving some 415,000 households.

Under the Senate Appropriation's Committee's proposed funding of $1.187 billion, Ohio would receive only $60.8 million, which could serve only 323,700 households—a reduction of 91,300 households, according to the Ohio Department of Development.

About 91,300 households in Ohio would be denied assistance for one of life's most basic necessities—home heating. Children and the elderly in every State would suffer the most.

There are those who might argue that we cannot afford this program.

I believe that we cannot afford any further reductions in this vital program.

I urge my colleagues to support this amendment.

Mr. GLENN. Mr. President, I rise today in strong support of the Low Income Home Energy Assistance Program [LIHEAP]. I believe that LIHEAP is one of the most significant and critically needed programs funded under the Labor/HHS appropriations bill.

The President's budget proposal for fiscal year 1989 would cut LIHEAP funding to $1.19 billion—a 43-percent reduction in nominal terms from 1985 levels, and this 43-percent cut is being requested in a basic safety net program. LIHEAP is a needs based income supplement program serving only the very needy—the average annual income of a recipient household is less than $6,500. The needs of the individuals served by LIHEAP have not diminished, yet assistance continues to decline. Almost 40 percent of these recipients are low income senior citizens, those who are particularly vulnerable to hypothermia and heat stroke.

In my State of Ohio, the decrease would be more than $17 million which could result in over 90,000 households losing assistance. Let me share with you an example of an Ohio recipient who demonstrates how severe further LIHEAP cuts would be. This Ohioan is single and head of a household that includes two children, ages 3 and 4. She works part time, earning about $400 a month and receives some government assistance. After paying her bills for food, rent and energy, she has about $12 a week left over for other expenses. Without the assistance she receives from LIHEAP, even less money would be available to maintain her household.

The needs of this Ohio recipient graphically illustrate the importance of LIHEAP funding. A few weeks ago, I joined more than 50 of my colleagues from both sides of the aisle in a letter to the chairman of the Labor/Health and Human Services Subcommittee urging adequate LIHEAP funding. I urge my colleagues to again express their support for LIHEAP by voting for this amendment.

Mr. KERRY. Mr. President, I rise in support of the pending amendment instructing the Senate conferees to recede to the higher House funding allowance for the Low Income Home Energy Assistance Program [LIHEAP]. The current amount requested for this program as reported by the Labor HHS Appropriations Subcommittee is $1.187 billion. This represents a 43-percent reduction in funding since 1985 and will have a dramatic negative impact on a number of elderly and low income individuals throughout our country.

LIHEAP cannot sustain the continuation of these devastating cuts. Let us remember why this program was instituted and understand the priorities which led to its formation. LIHEAP was established because Congress found it intolerable that any American should suffer illness or death due to inadequate heating or cooling. While LIHEAP is a limited response to meeting the heating and cooling needs of the very poor it does represent our commitment to this basic objective. The cuts being considered here today are a sign to the elderly, the poor, the needy and to all American citizens that meeting this basic need is no longer a priority of the U.S. Senate.

Mr. President, the average LIHEAP recipient has an income which is 72 percent of the poverty level. A majority are working at low income jobs and do not receive AFDC or SSI. At least 31 percent of these individuals are elderly and 14 percent of LIHEAP homes include a person who is disabled. Energy costs for the LIHEAP recipient can consume an average of 14 percent of their annual income, possibly as much as 20 percent in

Southern States and up to 25 percent in my home State of Massachusetts.

Such cuts in benefits will stretch limited budgets beyond the breaking point. In general every 10-percent cut in LIHEAP funding, will result in a 5-percent reduction in the total household income of the recipient. The consequences of this scenario leaves few choices for many. Limited dollars will be taken from an already meager food, clothing and health care budget. Others will be unable to pay utility bills or will defer rent payments to prevent their utilities from being turned off. Thus, resulting in increased evictions and potential homelessness.

Such a situation is not only morally reprehensible, but will likely lead to an eventual increase in Government assistance in other areas. Individuals barely making it with fuel assistance may be forced onto welfare or other more costly social programs. Increased resources will be necessary for housing, shelter and health care costs of displaced individuals. LIHEAP has been shown to help people overcome difficult times without slipping into the dangerous dependency of our current welfare system.

Mr. President, the administration's budget stated, and some individuals here believe, that cuts in this necessary program can continue and in fact be offset by State oil overcharge funds. It is my understanding however, that in many States, including my home State of Massachusetts for example, that this is not the case. First, it should be made clear that oil overcharge funds were never intended to supplant general revenue supports. Second, by law only a certain percentage of these funds can be used to reduce the energy costs of low-income individuals. In Massachusetts, all of the funds that could be used to offset LIHEAP cuts have already been used.

Mr. President, should these cuts go into effect they would have a profound impact on many of the neediest citizens in Massachusetts. Specifically, fuel assistance and weatherization funding would be cut by $27 million. At least 30,000 households will be forced from the program or their minimum benefit could be cut from $325 to $100, possibly less. For most areas in the country this payment would hardly pay the bill for 1 month of high energy use.

We cannot afford to turn our back on the poor, elderly, children, and infants who are the primary beneficiaries of this program. A vote against this amendment is a vote to turn off the heat in February, as well as deny individuals relief from the heat and humidity of August. LIHEAP, which has a record of helping people, is clearly the proper way to address these needs. I urge that this amendment be adopted.

Mr. LEAHY. Mr. President, I strongly support Senator WEICKER's sense of the Senate resolution on the Low Income Home Energy Assistance Program [LIHEAP]. This cost-effective, needs-based program is a staple for over 18,000 needy Vermont households. The administration's and the Senate's fiscal year 1989 LIHEAP line item of $1.19 billion, which cuts $344 million or more than 22 percent from the already deeply slashed fiscal year 1988 appropriation, could further strap these already hard-pressed Vermonters.

In terms of direct human impact, this proposed cut would lower the national average annual fuel assistance benefit payment from the already modest level of $213 per household to a grossly inadequate $166. In a 5-month heating season, this reduces the monthly benefit per household from about $43 to about $33. This will cause real problems, for these are truly needy households—almost 40 percent of them include elderly people—that each month have almost nothing left over after they pay for the bare, basic necessities of life.

Unless this reduction is eliminated in conference by the Senate conferees receding to the House level of funding for LIHEAP, this vital program will have the terrible distinction of being one of the most deeply cut—down 43.3 percent since fiscal year 1985—needs-based income assistance programs over the last 5 years.

LIHEAP reductions limit not only heating assistance payments to low income people, but also important funds for weatherization that States use to insulate, caulk, and to repair heating systems in the homes of those most in need.

To illustrate the decline in weatherization funds caused by LIHEAP cuts, in the winter of 1986-87 about 2,200 low income Vermont homes were improved under the program. In the winter of 1987-88, that number fell to about 1,900 homes. And if the current Senate line item in this bill for LIHEAP is not overcome in the conference, that number will plunge to 1,000 or fewer homes winterized in the coming winter of 1988-89.

Some Senators, over these past several months, have made much of the alleged availability of unspent "oil overcharge funds," provided by various court orders, to compensate the States for LIHEAP cuts. As the letter I have in hand from Vermont's Gov. Madeleine M. Kunin states, if this cut remains in place, Vermont in the winter of 1988-89 would need to allocate $3.7 million in oil overcharge funds to keep fuel assistance and weatherization assistance at current levels of service. However, as Governor Kunin points out in her letter, Vermont will have no more than $1.5 million available from oil overcharge funds, necessitating a $2.2-million cut in LIHEAP-funded heating and weatherization services.

I would like to tell you of a typical case of a Vermont family receiving LIHEAP heating and weatherization aid. Frank is 67, Rose 62. Both are disabled and live on only Social Security and a VA pension. They could not afford to insulate their tiny, old house when they moved in, in 1986. As a result, they shivered during the winter of 1986-87—and still ran up a $1,000 propane gas heating bill.

In the summer of 1987, weatherization funds allowed a community action agency to perform $1,500 worth of insulating and sealing work on their house. But in the winter of 1987-88, their fuel assistance payment covered only about one-third of their propane gas costs. Under the fiscal year 1989 administration-Senate plan, they would be squeezed even harder in the winter of 1988-89.

I support and appreciate this sense of the Senate resolution, but we can do better. I strongly urge the Senate conferees on this bill, my fellow members of the Appropriations Committee, to recede to the House level of funding for this critical LIHEAP Program.

Finally, I ask unanimous consent that Governor Kunin's letter be printed in the RECORD.

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

STATE OF VERMONT,
OFFICE OF THE GOVERNOR,
Montpelier, VT June 16, 1988.

Hon. PATRICK LEAHY,
U.S. Senate, 433 Russell Senate Office Building, Washington, DC

DEAR PATRICK: I am writing to clarify some misleading information that appeared in a recent U.S. General Accounting Office (GAO) report regarding oil overcharge funds and reductions in the Low-Income Home Energy Assistance Program (LIHEAP).

The report, entitled "Low-Income Energy Assistance: State Reponses to Funding Reductions", listed Vermont as having $3 million of unspent oil overcharge funds that could be used to make up for federal budget cuts to LIHEAP proposed for FY 89. In fact, Vermont has only $1.2 million that has not already been designated for specific programs.

As you know, the U.S. Congress reduced the LIHEAP budget by 16% between FY 87 and FY 88. This action cost the Vermont program approximately $1.7 million. Rather than subject elderly and low-income Vermonters to unhealthy conditions, I authorized the Vermont Department of Social Welfare to divert their contribution to the Weatherization Assistance Program—$1.7 million—to make up for the federal cuts.

However, the Weatherization Assistance Program plays an equally vital role in lowering energy costs for low-income people (which, in the long run, should reduce the need for fuel assistance payments) and protecting these families from a sometimes harsh winter climate. Therefore, on my recommendation, the Legislature allocated $1.7 million of the Oil Overcharge funds to level-

fund the Weatherization Program for FY 88. Over the last three years, Vermont has committed nearly $4 million to the Weatherization program—more than 50% of total oil overcharge funds received—largely as result of federal budget cuts.

It is my understanding that the Reagan Administration has proposed an additional LIHEAP cut of 23% for FY 89 which would reduce the Vermont program by another $2 million. Even assuming program participation remains at FY 87 levels, Vermont will need to make up an additional $3.7 million to compensate for these cuts. Yet Vermont has only $1.2 million of oil overcharge funds on hand ($1.5 million if you include the $300,000 the state is expected to receive from the Texaco settlement later this year).

The purpose of the oil overcharge settlements is to provide restitution to oil and gasoline consumers who suffered from price control violations in the 1970's. The states must have the flexibility to allocate oil overcharge funds to energy conservation programs with the widest public benefit. The court decisions were explicit in prohibiting the use of these funds to supplant existing state or federal appropriations. By tying LIHEAP budget cuts to available oil overcharge monies, Congress will be in direct conflict with these decisions.

Thank you for all your efforts on behalf of LIHEAP. I hope you will be successful in convincing Congress that it is essential that LIHEAP be funded to at least the FY 87 level.

Sincerely yours,

MADELEINE M. KUNIN,
Governor.

Mr. DIXON. Mr. President, before the Senate now is a matter of profound life and death consequences. There are people dying right now because they do not have the money to air-condition their homes, and there will be more people freezing to death this winter.

In the summer of 1980, as temperatures soared, 15,000 people died of heat stroke. This summer the Nation is locked into a heat wave that is even worse than 1980, and I shudder to think of how many of our elderly poor are dying from heat stroke as we continue to cut the level of energy assistance available to them.

Mr. President, in this summer of record heat and drought, my State of Illinois is not even able to run a cooling assistance program because the amount of Federal LIHEAP money it receives has been reduced nearly 30 percent over the last 4 years. Illinois cannot afford to offer cooling assistance this summer because it has necessarily committed its oil overcharge funds to heating assistance for the upcoming winter.

I echo the remarks of my friend and colleague, Senator HEINZ, to dispel the notion that States have oil overcharge funds just sitting around unused. In my State, that is just not true. Oil overcharge funds are wisely used in Illinois for long-term energy conservation programs. Those funds are already committed for the next 2 years. LIHEAP money is used for helping those with immediate heating needs.

I am pleased to support the resolution of the Senator from Connecticut calling for the Senate conferees to recede to the House level of $1.567 billion for LIHEAP. Although this level would not even come close to serving the numbers eligible to participate in this program, it may mean that 100,000 households can remain in the program this year.

The PRESIDING OFFICER (Mr. GORE). The question is on agreeing to the amendment.

The amendment (No. 2710) was agreed to.

AMENDMENT NO. 2711

Mr. HUMPHREY. Mr. President, in a moment I will send to desk a series of four amendments, all having to do with prenatal tissue, fetal tissue. The amendments have been cleared by the managers on each side.

If I may have the attention of the chairman, it is my understanding that the chairman is prepared to seek to offer these amendments en bloc.

Mr. CHILES. Mr. President, I ask unanimous consent that we be able to take up these four amendments en bloc. We have looked at them.

As the Senator knows, I want to have a colloquy with him to clear up a matter.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. HUMPHREY. Mr. President, I send four amendments to the desk to be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes amendments en bloc numbered 2711.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

First amendment:

At the appropriate place, insert the following new section:

SEC. . None of the funds appropriated under this Act shall be used to perform an abortion on a woman for the sole purpose of providing fetal organs or tissue for medical transplantation to any animal or person.

Second amendment:

At the appropriate place, insert the following new section:

SEC. . (a) None of the funds appropriated under this Act shall be used to knowingly acquire, receive or otherwise transfer any human (including that derived from a fetus) organ or organ subpart for valuable consideration for use in human or animal transplantation.

(b) None of the funds appropriated under this Act shall be used to knowingly acquire, receive or otherwise transfer any human organ or organ subpart derived from a fetus that has been aborted for the sole purpose of medically transplanting such organs or organ subparts to any animal or person.

(c) For purposes of subsection (a) and (b):

(1) The term "human organ" means the human kidney, liver, heart, lung, pancreas, brain, bone marrow, cornea, eye, bone, and skin and any other human organ specified by the Secretary of Health and Human Services by regulation.

(2) The term "valuable consideration" does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation quality control, and storage of a human organ or organ subpart or the expenses of travel, housing, and lost wages incurred by the donor of a human organ or organ subpart in connection with the donation of the organ or organ subpart.

Third amendment:

At the appropriate place, insert the following new section:

SEC. . None of the funds appropriated under this Act shall be used to offer any inducement, monetary or otherwise, for a woman to have an abortion for the purpose of providing fetal organs or tissue for medical transplantation to any animal or person.

Fourth amendment:

At the appropriate place, insert the following new section:

SEC. . None of the funds made available under this Act shall be used to waive the minimal risk standard for fetal research.

Mr. HUMPHREY. Mr. President, the amendments have been cleared on both sides.

I want to state, particularly for the benefit of my colleagues on the Democrat side of the aisle, that the language in each of these four amendments was drafted in consultation with and in cooperation with the Senator from Tennessee [Mr. GORE], who happens to be in the Chair at this moment, and mute, I suppose. It was drafted in association with him and adopting his language and his recommendations.

I remind my colleagues that I raised the subject of the Senator's name because the Senator from Tennessee is the ranking Senate Member on the Bicameral-Bimedical Ethics Board, the senior Member of this body on that Board, and a man who has established a good deal of expertise in this area.

I understand that the Senator from Florida wishes to clarify, through colloquy, the intent of certain language in one of the amendments.

Mr. CHILES. Yes; I thank the distinguished Senator from New Hampshire.

One of the amendments provides that there will be no funds to acquire fetal tissue for profit. Currently, NIH and the researchers funded by NIH do use aborted fetal material in research.

There is a "user fee" that is paid for the transportation, preparation of the tissue. I do not believe the phrase "valuable consideration" is intended to apply to these user fees or service fees. I wanted to get the Senator's concurrence in that. That being the case, we would be prepared to accept the amendment.

Mr. HUMPHREY. The Senator is well justified in his concern. It is not

the intent to rule out service fees and that kind of thing. The intent here is to eliminate the possibility of commerce, profitable commerce, over and above justifiable costs, in fetal tissue.

Mr. CHILES. I think that clears it up.

Mr. President, we yield back any time we have.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (No. 2711) were agreed to en bloc.

Mr. HUMPHREY. I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2712

(Purpose: To help establish a quality data, population based cancer registry in Cleveland, Ohio)

Mr. CHILES. Mr. President, I send an amendment to the desk on behalf of Senators METZENBAUM and GLENN.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], for Mr. METZENBAUM (for himself and Mr. GLENN) proposes an amendment numbered 2712.

Mr. CHILES. 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 42, line 20 strike the period and insert in lieu thereof:

": *Provided*, That not to exceed $350,000 may be made available for the establishment of a high quality, population based cancer registry in the metropolitan Cleveland, Ohio area.".

Mr. METZENBAUM. Mr. President, this amendment is small in size, but large in purpose.

Since 1975, hospitals in the Greater Cleveland area have been working together to fight cancer through a computerized tumor registry system. By compiling this information, physicians, researchers, and hospitals can track the geographic and demographic patterns of cancer, assess different types of treatment used for cancer patients, and assist in followup. Since 1985, the hospitals have been reporting more than 9,000 cases to the Cleveland cancer data system every year.

Unfortunately, the cost of running this registry has made it virtually impossible for all of the 31 hospitals in the Cleveland area that treat cancer patients to reach a "population based" status—that is, one in which at least 95 percent of all cancer cases are reported.

This amendment would help the cancer data system achieve this "population base," thus making it one of the few metropolitan areas in the United States with such a cancer registry system. The data gathered by the registry will be invaluable to researchers not only in Cleveland, but throughout the entire country.

The National Cancer Institute recognizes the urgent need for better cancer data collection, particularly among urban black and Hispanic minorities. We have long known that there is a higher incidence of cancer deaths in the black population. Many of these deaths could be prevented or cured through better detection efforts aided by the cancer registry.

Cleveland's hospitals have always paid 100 percent of the cost of the registry, and will continue to provide the majority of funding after the system becomes "population based." This amendment would enable the National Cancer Institute to help the Cleveland registry become population based, and to help the registry gain sponsorship under the National Cancer Institute's Surveillance, Epidemiology and End Results [SEER] Registry Program.

The amendment responds to a need clearly expressed by the National Cancer Institute for better cancer data from minority populations.

I believe it is a small price to pay for such a valuable service. It is an investment in the future health of our Nation.

I urge my colleagues to support it.

Mr. CHILES. Mr. President, the language of this amendment permits the Department to make an award for a cancer registry through the normal competitive process. On that basis it is acceptable to the committee, and we urge the adoption of the amendment.

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

The amendment (No. 2712) was agreed to.

AMENDMENT NO. 2713

Mr. CHILES. Mr. President, I send an amendment to the desk on behalf of myself and Senator TRIBLE.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], for himself and Mr. TRIBLE, proposes an amendment numbered 2713.

Mr. CHILES. 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:

Insert before the period on page 51, line 22, the following:

: *Provided*, That any school district that received an overpayment under section 2 in fiscal year 1984 funds and also received 30.13 per centum of such sum in an overpayment of the subsequent fiscal year's funds, is relieved of the liability to repay those sums, together with interest on such sums

Mr. TRIBLE. Mr. President, this is a noncontroversial amendment. I understand the managers of the bill are prepared to accept this amendment, and I appreciate their assistance and cooperation.

This amendment directs the Department of Education to comply with congressional intent—as expressed in previously enacted legislation—affecting overpayments to the Craig County School System in Virginia.

Working with the Department of Education, I introduced legislation last year to adjust errors made by the Department in its payments to Craig County. Later, the Appropriations Committee reported substantially the same language in the fiscal year 1988 Labor-HHS-Education appropriation bill. I was assured by the Department of Education that the Craig County problem would be resolved. Finally, the fiscal year 1988 continuing appropriations resolution included language redressing this same error.

Language was also included in H.R. 5, the Augustus F. Hawkins/Robert T. Stafford Elementary and Secondary School Improvement Authorization bill. This language was dropped by the conferees who were told the problem had been resolved in the continuing resolution.

Unfortunately, the Department now contends that the law does not apply to the Craig County payment errors.

The amendment I am offering today reiterates the previously expressed congressional mandate: The Department of Education—not Craig County—must assume the burden imposed by its errors.

Mr. President, I thank the managers of the bill as well as my colleagues on the Education Subcommittee for their support. Senator KENNEDY and Senator HATCH have been extremely responsive to the needs of Craig County. Finally, I want to acknowledge the efforts of Peter Rogoff, Terry Hartle, and Becky Rogers.

Mr. President, I ask that this amendment be adopted.

Mr. CHILES. Mr. President, in the fiscal year 1988 appropriations bill, we included a provision to forgive a number of instances in which the Department of Education had accidentally paid school districts amounts in excess of their true entitlement. We did this only in instances where the Education Department confirmed that the administration was at fault and only in instances where the funds provided to the school districts had already been spent. One of these instances was addressed at the request of Senator TRIBLE. However, the language that was supplied to the Senator from Virginia by the Department of Education to rectify this problem was incorrect. The language now pro-

posed by the Senator from Virginia would permanently fix this situation.

I should also point out that this provision forgives only a portion of the overpayment to this school district. We concur with the Department that a considerable amount that is still in the possession of the district but has not been spent should be returned immediately.

I urge the adoption of the amendment.

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

The amendment (No. 2713) was agreed to.

AMENDMENT NO. 2714

(Purpose: To reappropriate $500,000 from unobligated 1987 funds to restore to Montana funds that were included in the original allotment made to Montana)

Mr. CHILES. Mr. President, I send to the desk an amendment on behalf of Senator BAUCUS.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], for Mr. BAUCUS, proposes an amendment numbered 2714.

Mr. CHILES. 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 54, between lines 22 and 23, insert the following:

"Of the funds provided under the heading "Rehabilitation Services and Handicapped Research" in fiscal year 1987 in Public Law 99-500 and Public Law 99-501, for carrying out the Rehabilitation Act of 1973, which are unobligated, the sum of $500,000 is reappropriated for an allotment under section 100(b)(1) of the Rehabilitation Act of 1973 to Montana for obligations incurred by Montana during fiscal year 1987.".

Mr. CHILES. Mr. President, this amendment would reappropriate $500,000 of fiscal year 1987 funds that have lapsed and make them available for the Montana vocational rehabilitation program.

As I understand it, Montana mistakenly returned $500,000 in unused grant moneys and has not been able to recover it from the Department of Education, since the 1987 fiscal year has ended.

I understand there is no objection to the amendment on the other side.

Mr. BAUCUS Mr. President, this is a noncontroversial amendment and it's my understanding that it is acceptable to both the chairman and the ranking member.

This amendment would simply reappropriate $500,000 from unobligated 1987 funds to restore to Montana funds that were included in the original allotment.

Under the Rehabilitation Act of 1973, individual States must report 45 days before the end of the fiscal year whether they anticipate obligating their entire grant authority. Following these guidelines, Montana concluded that it would not expend all of its grant award and would return $500,000 to be reallocated to other States that were running a deficit.

It was not until after the end of the fiscal year, that an accounting mistake was noticed and it was discovered that Montana had used its total grant authority.

This amendment would not affect the subcommittee's allocation nor would it constitute a budget outlay in 1989 and would not be subject to a point of order under the Budget Act.

This amendment would simply reinstate those funds and balance the books; $500,000 is often lost or gained in rounding the much larger numbers Congress works with every day, but it means the difference to a lot of people in Montana. It means counseling for kids trying to kick drugs and alcohol. It means job training, vocational education, and college tuition to people trying to become financially independent. It means speech and hearing rehabilitation it means the difference.

Montana is not experiencing the robust economy of the coastal States, and simply cannot afford to pay for something the Federal Government has already paid for.

Mr. President, I want to thank the floor managers for their support.

Mr. CHILES. I urge adoption of the amendment.

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

The amendment (No. 2714) was agreed to.

AMENDMENT NO. 2715

(Purpose: To increase the amount made available for the dependent care grant program)

Mr. CHILES. Mr. President, I send to the desk an amendment on behalf of Senators RIEGLE and BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], for Mr. RIEGLE (for himself and Mr. BINGAMAN), proposes an amendment numbered 2715.

Mr. CHILES. 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 42, line 8, strike out the period and insert in lieu thereof a comma and the following: "of which, $8,750,000 shall be made available to carry out the State Dependent Care Development Grants Act (42 U.S.C. 9871 et seq.), and an additional $3,250,000 shall be made available to carry out such Act.".

On page 55, line 24, strike out "$5,837,095,000" and insert in lieu thereof "$5,833,845,000".

Mr. CHILES. Mr. President, this amendment would add $3,250,000 for the dependent care block grant, bringing the total to $12,000,000. The House recommended the budget request of $8,377,000, which is the same as the fiscal 1988 level.

This amendment has an offset for both budget authority and outlays to stay within 302(b) allocation ceilings.

This program provides planning grants to States for activities related to school-age child care services, as well as for dependent care resource and referral systems. The authorizing legislation permits funding up to $20,000,000.

The committee recommendation provided a 4.3-percent inflationary increase over the enacted level, which is the same amount provided for a variety of similar worthwhile human services programs for children, youth, senior citizens, Native Americans, and the handicapped.

I recommend we adopt the amendment.

THE LATCHKEY CRISIS

Mr. RIEGLE. Mr. President, the amendment I am offering with Senator BINGAMAN provides $12 million for the Dependent Care Grant Program in fiscal 1989. The committee bill recommends $8.75 million. My amendment increases that by a modest $3.25 million. This is still $8 million below the $20 million authorization.

The amendment is budget neutral—increased latchkey funding will be offset by a transfer from excess funds available under title III of the bill.

I strongly support increased funding for education, but according to CBO, there are excess funds in title III of the bill.

Mr. President, these funds are sorely needed. An estimated 6 million latchkey children face the dangers and stresses of unsupervised time alone. Congress this year is all talk and no action on child care: Over 100 bills have been introduced but no major new child care funds have been made available for fiscal year 1989.

Even if the ABC child care bill is enacted this year, and it has 40 cosponsors, no appropriation will be made in fiscal year 1989. Title XX, the major source of Federal funds for child care, is actually reduced by $50 million under this bill. My amendment is the only significant increase in funding for any child care program for fiscal year 1989.

The Latchkey Program, the only new Federal child care program in decades, is funded this year at $8.377—less than half its $20 million authorization. That's little more than $1 for each latchkey kid in the United States.

Many States reported enormous success in their Latchkey Programs in 1987 reports to the administration. However, States also report a large

unmet need for school-age child care resources.

Mr. President, my amendment is an interim step to provide seed money to develop child care centers so we have them in place when Congress enacts a comprehensive system. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2715) was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2716

(Purpose to make available $10,000,000 for part D of title I of the Higher Education Act of 1965, relating to the student literacy corps program)

Mr. KENNEDY. 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 Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2716.

Mr. KENNEDY. 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 52, line 17, strike the numeral and insert in lieu thereof "$1,088,180,000"

On page 52, line 18, strike the numeral and insert in lieu thereof "$476,000,000"

On page 52, line 20, strike the numeral and insert in lieu thereof "$447,700,000"

On page 59, between lines 3 and 4, insert the following: "*Provided further*, That an additional amount of $10,000,000 shall be made available for part D of title I of the Higher Education Act of 1965, relating to the student literacy corps program, to become available on July 1, 1989, and remain available until September 30, 1990.".

Mr. KENNEDY. Mr. President, I am offering an amendment to appropriate $10 million for the Student Literacy Corps Program. These funds would go to colleges and universities around the country in the form of grants of up to $50,000 over 2 years to establish student literacy corps programs on their campuses. The recipient of a grant would establish a course in an academic department, such as education, sociology, or economics, which would contain a practicum component—each week the students would tutor for 6 hours in a community agency such as a school, adult learning center, juvenile detention facility, prison, or facility for the handicapped.

This model is a proven success for all of those involved. It was begun in the late sixties at the University of Miami by Norman Manasa, then an undergraduate. It ran there for 4 years and over 1,000 undergraduates participated and served as tutors. Currently the program is operating at colleges in New York, Chicago, and Boston, and is funded by corporate contributions under the auspices of the Washington education project, directed by Norman Manasa. Each college receives a grant of $25,000 over 2 years to help pay the administrative expenses of starting a new program. Then the colleges are on their own to pay the cost of continuing the program, supported by tuition of the undergraduates.

We have heard testimony from participants in the program—undergraduates who serve as tutors, teachers who have tutors in their classrooms, and children who have been tutored by these undergraduates. And I have seen the program at work in my own State where undergraduates have praised the program for giving them the opportunity to contribute to their community in a meaningful way, and, in some instances, interested them in going into teaching as a profession. Classroom teachers have said the program enabled their students to receive individual remedial attention normally impossible in a classroom setting, and that the undergraduates were able to establish a rapport with students which improved their motivation and performance.

The student literacy corps serves several important functions. It gives college students a meaningful opportunity to give something back to their community without adding an additional burden to their demanding schedules full of classes and jobs. It leverages an enormous number of hours of tutoring for a minimal Federal contribution. The $10 million appropriated by this amendment could start programs at 400 colleges. This would generate 4 million hours of literacy tutoring in schools and other community agencies. This is the equivalent of $80 million worth of tutoring services, an eightfold return for our $10 million investment. Finally, the grant would serve as seed money to give colleges an incentive to begin a program which can then be supported by student tuition. The Federal Government does not need to play an ongoing support role for the program to continue. We can, however, provide the administrative funds to start a national student literacy corps across the country.

My amendment would offset the appropriation for this program against the chapter 2 block grant. The reason I look to chapter 2 is that several of the purposes served by the literacy corps were goals of the old teacher corps, a program which was incorporated into chapter 2 when the block grant was formed in 1981. The Teacher Corps Program sought to improve the educational opportunities for children in low-income areas by using volunteers as tutors and instructional assistants in the schools, and by providing literacy and remedial skills to juvenile delinquents, youthful offenders, and adult criminal offenders. Literacy corps would provide tutors in schools, as well as adult education centers, prisons, and juvenile detention facilities. It reinstates, in part, one of the programs subsumed within chapter 2. Therefore, literacy corps would not take funds away from those populations which benefit from chapter 2 programs, but merely target funds more specifically.

I urge my colleagues to support this amendment.

Mr. President, basically this amendment utilizes the block grant funds which are already appropriated some $10 million of it for development of a literacy corps.

That particular concept has already been accepted by the Senate in previous action and the whole literacy function basically exists within the block grant program.

This will ensure of that existing block grant fund this at least $10 million of that will be used for this particular function.

It does not add particular funds, so it is not necessary to have an offset.

Mr. CHILES. Mr. President, the funding of this program is not yet authorized. I understand that the authority is in the conference report of the trade bill. Concerning that situation I would be willing to take this amendment to the conference.

I point out to the distinguished Senator that Mr. NATCHER has a way of knocking out all programs that are not authorized but maybe the trade conference report will have passed by that point.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2716) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2717

Mr. STEVENS. 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 Alaska [Mr. STEVENS] proposes an amendment numbered 2717.

Mr. STEVENS. 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.

SEC. . When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in

part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

Mr. STEVENS. Mr. President, very simply this grant guarantees receiving Federal funds to include in statements concerning project or programs for which the funds are received a clear statement of the percentage of the Federal funds and the amount of the Federal funds involved in each project

The amendment has been agreed to, I believe.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I think this is an amendment that has good merit and I think the Senator has a good reason. I see those press releases all the time myself.

I urge that we adopt the amendment.

Mr. STEVENS. I thank the Senator very much.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2717) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2718

(Purpose: To decrease the amount of appropriations made available to the Health Care Financing Administration for program management)

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I send to the desk an amendment on behalf of Senator SASSER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] for Mr. SASSER (for himself and Mr. BRADLEY) proposes an amendment numbered 2718.

Mr. CHILES. 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 35, line 5, strike "$1,839,819,000" and insert "$1,835,519,000".

Beginning on page 35, strike line 19 beginning at "Provided further" and all that follows through "1990:" on page 36, line 2.

Mr. CHILES. Mr. President, last year, we had questions about whether this new administrative law process would work, so we did not fund it. The House wanted to fund it, but we, instead, asked the General Accounting Office [GAO] to evaluate the proposal.

When the GAO reported back to us, they had some questions too. They recommended that a pilot and independent evaluation of the project be conducted, before any full implementation of the program.

So, that is what we did in this bill. The administration requested $8.1 million for implementation of the program in fiscal year 1989. Originally, we followed GAO's recommendation, and provided funds for a pilot test and independent evaluation of the project.

Mr. President, some groups have indicated that this pilot would eliminate the face to face hearing process. That is simply not true. Our report language directs, and the Department intends, to offer telephone hearings on a strictly optional and voluntary basis.

Now, however, there have been additional questions about even a pilot test, and the House Appropriations Committee has reversed their position, and decided not to fund any portion of the administration's request.

Under these circumstances, I agree to the Senator's amendment to delete these demonstration funds.

Mr. SASSER. Mr. President, very briefly, this amendment would strike $4.3 million included in the bill for the so-called dial-a-judge provision.

The bill as reported from committee would permit the Health Care Financing Administration to establish an alternative procedure for the Medicare appeals process.

As my colleagues are aware, the Medicare appeals process currently is the responsibility of the Social Security Administration.

The budget request sought to radically alter the Medicare appeals process and place the activity solely under the authority of the Health Care Financing Administration.

Now, I commend the action of the committee which cut the request in half. I believe the committee's intent was to establish a test of the so-called dial-a-judge concept.

The General Accounting Office, I would indicate to my colleagues, in April recommended that a small test of this new appeals process be conducted.

While the committee may have intended their action to be a test of the concept, it clearly goes much further than the GAO recommendation for a small test.

The provision in the bill would provide half—50 percent—of the administration's request.

Fifty percent is more than a test. It is tantamount to implementing a program.

I do not believe, Mr. President that enough data exists to embark on such a potentially radical change in the Medicare appeals process.

The committee's action would cover as many as one-fourth of all Medicare appeals.

Mr. President, I know many of my colleagues have heard from their constituents in recent days about this provision of the bill.

There is a great deal of concern about the dial-a-judge approach. I think we would be doing the elderly of our country a great disservice by subjecting as many as one-fourth of Medicare recipients to the dial-a-judge concept until we have a better understanding of the potential pitfalls of the dial-a-judge approach.

Now, Mr. President, some believe that the dial-a-judge concept will result in an improvement to the Medicare appeals process. But at this point in consideration of the concept, we have no way of knowing how it will impact our Nation's elderly. But we do know that at this point in time, the elderly strongly oppose such a radical new process.

Mr. President, the only way we can find out is to follow the advice of the GAO and conduct a small test—a true test.

So, I am pleased the chairman will agree to strike the provision from the bill which provides 50 percent of the funding for implementing the entire program.

I think the Health Care Financing Administration should present to the Congress a true test of this concept. Once we have completed such a small test, then the Congress and our Nation's elderly will be in a better position to act on the dial-a-judge proposal.

Mr. President, I thank the chairman of the committee.

Mr. CHILES. Mr. President, this amendment would strike from the bill a pilot program providing for an independent evaluation of a project in regard to health care financing administration.

I have some doubts about whether the amendment should be adopted, but under the circumstances we will take the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2718) was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2719

(Purpose: To make available funds for the reimbursement of certain trauma care centers that have incurred uncompensated care costs because of the treatment of undocumented patients by such centers during fiscal year 1988)

Mr. WILSON. 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 California [Mr. WILSON] proposes an amendment numbered 2719.

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 50, between lines 5 and 6, insert the following new section:

SEC. . (a)(1) In the case of all appropriation accounts within this title from which expenses for travel, transportation supplies, and materials & equipment under object classifications 21.0, 22.0, 26.0, and 31.0 are paid under the Public Health Service Act (42 U.S.C. 201 et seq.), there shall be obligated under such accounts in fiscal year 1989 a uniform percentage of such amounts as are determined by the President in accordance with paragraph (2) that, but for this subsection, would—

(A) be available for obligation in such accounts as of October 1, 1988.

(B) be planned to be obligated for such expenses after such date during fiscal year 1989; and

(C) result in total outlays of $13,000,000 in fiscal year 1989.

(2) Prior to making a determination under paragraph (1); the President shall obtain, from the Director of the Office of Management and Budget and the Comptroller General of the United States, recommendations for determinations with respect to—

(A) the identification of the accounts affected under this subsection;

(B) the amount in each such account available as of October 1, 1988, for obligation;

(C) the amounts planned to be obligated for such expenses after such date in fiscal year 1989; and

(D) the uniform percentage by which such amounts must be reduced in order to comply with paragraph (1).

(3) Not later than 30 days after the date of enactment of this Act, the President shall prepare and submit, to the appropriate Committees of Congress, a report specifying the determinations of the President under paragraphs (1) and (2).

(4) Sections 1341(a) and 1517 of title 31, United States Code, shall apply to each account for which a determination is made by the President under paragraphs (1) and (2).

(b) From amounts made available under subsection (a), the Secretary of Health and Human Services shall make payments to trauma care centers to partially reimburse such centers for compensated care costs incurred by such centers through their treatment of undocumented patients during fiscal year 1988.

(c) To be eligible to receive funds under this section, a trauma care center shall—

(1) be considered as a trauma care center under regulation promulgated by the Secretary for the purpose of this section;

(2) submit an application to the Secretary in such form and containing such information as the Secretary of Health and Human Services shall require; and

(3) demonstrate to the Secretary that such center has incurred a loss in revenues because of uncompensated care costs, of which 20 percent of such costs resulted from the center's treatment of undocumented patients.

(d) Not later than 60 days after the date of enactment of section the Secretary of Health and Human Services shall—

(1) prepared a list of trauma care centers eligible to receive an allotment under subsection (e); and

(2) promulgate regulations necessary to carry out this section.

(e) The Secretary of Health and Human Services shall allot to each eligible trauma care center an amount equal to the sum of the amount that bears the same ratio to the amount of funds made available under this section as the loss incurred by the eligible trauma care center bears to the loss incurred by all eligible trauma care centers identified by the Secretary.

(f) The Secretary of Health and Human Services shall pay to each eligible trauma care center the amount of its allotment under subsection (e).

Mr. WILSON. Mr. President, this amendment is an effort to try to reimburse in part the expenses, the uncompensated care costs of trauma care center services provided to illegal aliens.

What this would do is give to the Secretary of HHS the authority to allocate amounts of funds that have been lost by treating undocumented persons without compensation.

This is a common problem throughout the Southwest. It is a common problem throughout much of the Nation.

The $13 million we are talking about would be partial compensation.

To put things in simplest terms, what we are saying is that $13 million taken from travel, equipment, and materials accounts of the Public Health Service would be better spent saving lives in this next year than would those moneys in providing travel to conferences.

You do not have to disapprove of that effort to see that this is a priority very similar to that which the Congress has realized in restoring funding to the Coast Guard as opposed to subsidizing inner-city transportation.

Mr. President, what this amounts to is partial justice and in 1986 Congress, in passing the Omnibus Reconciliation Act, approved provisions covering the health care cost of undocumented persons but required the States to pass State legislation which confirmed to the OBRA. They have done so in many States and essentially what we have is an authorized expenditure. This act tonight would be a partial appropriation in furtherance of that authorization.

It is partial justice. It will allow trauma centers who are operating under great adversity hopefully to stay open.

Very simply stated, Mr. President, what you have in these trauma centers in the vast metropolitan areas of the United States you have costs required by the kind of traumas that involve expensive care and is being practiced primarily on people who simply lack the means to pay for it.

Mr. President, I urge the adoption of it, a simple and just amendment.

Mr. CHILES. Mr. President, I would hope that the Senator from California would withdraw the amendment.

The reason I would hope that is because while I think it is for a worthwhile cause and certainly the Senator from Florida has as much problems as any State does or our State does with illegal aliens. The Jackson Memorial Hospital in Miami finds more and more of its total budget services are totally used up this way.

I have great sympathy in what the Senator is trying to do.

But I just have to say at this stage, when we have had so many people propose amendments and we have turned down so many people because they had programs that were not authorized and then to see this, one, that is not authorized and, two, you make an across-the-board cut out of four agencies' CDC travel money. We have pared them down. We have pared down the travel budget already. I think those are essential agencies that you are cutting at this time.

The amendment is certainly not one that we can agree to. As I say, I wish the Senator would agree to some kind of language that we could put in expressing the problem and see if we can find a way to deal with it. There is no way that we can take this amendment now. And if we go to a rollcall, we certainly will have to urge the body to try to resist the amendment.

I hope, at this late hour, that the Senator would not make us have a rollcall and allow us either to have a voice vote or to withdraw his amendment and get some report language. We will be happy to work with him on on some report language.

Mr. KENNEDY. Mr. President, I join with the Senator from Florida.

Just earlier today, we reauthorized the Emergency Medical Service Program that was initially sponsored by the senior Senator from California in 1976 and which has additional funding for trauma centers. Those trauma centers which have been built have had a remarkably positive impact in relieving the cause of morbidity where they have been implemented. One of the most effective is in San Diego. They have reduced morbidity by about 50 percent. They have reduced morbidity here in the District of Columbia by

about 50 percent. That is why we have increased the authorization for the creation of trauma centers. And we have also tried to deal, to some extent, with the financing and funding and also recognize the importance of developing these centers in a number of rural communities.

We have spent a good deal of time on this issue. Not that we should not get more information or be willing to consider any kind of amendments, but I would hope that we would defer action on this. It is an enormously important issue across the country. There are important rural communities—I see the Senator from Illinois here who raised the problems in America of the rural communities and farmlands in creating some option for these kinds of facilities there. We have attempted to do that and we will continue to do it.

I certainly hope, with the support that we had this morning, that we would have the opportunity to address this issue before the end of the session. But I would want to get into a good deal of discussion and debate on this measure, Mr. President. I do not think, really, this is the time or place to do it. It is a very, very important public health issue.

Trauma is the fourth cause of death today in the United States, and it is one, given all the other factors, in which we can make the greatest progress.

So I appreciate the stress and emphasis on this issue by the Senator from California, but I join in hoping that this will not be pressed to a vote now because then I would feel compelled to raise a lot of the other issues that have been raised by the members of our committee on this issue which have very important implications. That, plus the reasons the Senator from Florida has stressed in terms of diverting important Public Health Service functions that have general applications to the other 49 States and which would be reduced, would seem to me to justify the Senator withdrawing it.

We will be glad to work with him when this matter comes to the floor.

Mr. WEICKER. Mr. President, I wish to commend my distinguished colleague from California for raising the matter before the Senate. I hope that, rather than offer the amendment, which may or may not pass here and has an uncertain future in the conference, that we would keep this in the forefront of attention by having the distinguished Senator from California work out conference report language with our committee. I am more than delighted to have the committee work with his staff and with him to handle the matter in that fashion. I think his arguments are persuasive. I think the reasons are valid. In no wise do I want to diminish the importance of the issue he has raised. I think, however, at this time, the best way to handle this matter would be to have it in the bill as a matter of conference report language.

Mr. WILSON. Mr. President, I thank my friend from Connecticut.

Let me respond to the comments made by the distinguished committee chairman and my friend from Massachusetts. The Senator from Massachusetts made the point that accident, injury, the kind of thing that produces the trauma to which these trauma centers direct their efforts, is the fourth major killer in the United States. He is absolutely right in that. In fact, it is the first major killer of those from ages 1 to 34. Children, young adults, die of injury far, far more than from any other cause. The term "morbidity" which has been used means people dying of injury when, in fact, prompt attention could save them.

Mr. President, we are seeing in some trauma centers across the land perhaps the best emergency medical treatment in the history of the world. It is also some of the most expensive—people being lifted by helicopter from the scenes of terrible auto accidents with head injuries that demand instantaneous treatment if there is to be any hope for survival; those suffering gunshot wounds; those suffering household traumas, terrible burns. The list goes on.

The fact of the matter is this is a very expensive proposition. What it really comes down to is the extent to which we value life, particularly young life, that is in peril by the kind of accidents that is the stock and trade of these trauma centers every night of every week of every year that they are in operation.

Now, I take the point and I will abide by the advice of my friend from Connecticut. I accept his invitation to help work out the language, because I think it is essential that we not simply give commendation. This is a problem and a problem that, frankly, I think we have ignored.

I would have to tell you that I think that sending people to conferences, however commendable that may be, is not nearly as important as the kind of care that saves lives. But I will accept that invitation because, frankly, I do not wish to do injury.

My friend from Florida mentioned Jackson Memorial, one of the great teaching hospitals not just in the southern United States but in the United States and in the world. A great hospital. They have a trauma center.

My friend from Massachusetts mentioned that there had been excellent work done in my home county of San Diego. There has been excellent work done in Los Angeles. But less and less of that excellent work is getting done. These trauma centers are dropping like flies. They are closing left and right. Each time that a new one goes down, it expands the boundaries and expands the burden for those that remain.

So, what I will say to my friends is that I think that it would be useful to have bill language, but I hope, as we expressed, I believe, by the Senator from Massachusetts and the Senator from Florida, that before the year is out we will also provide some money. This is just a partial effort. This is an effort that is appropriately Federal, because what we are talking about are illegal aliens, undocumented workers, who are certainly not the responsibility of local governments.

If you are looking for a principle as precedent, you need look no further than the Immigration Reform and Control Act. We put $4 billion into that legislation in order to compensate local governments, to reimburse them for health care expenditures in connection with legalization of undocumented workers who were offered under that legislation the opportunity to become naturalized.

Under the OBRA Act of 1986, those who would, if legally here, qualify for Medicaid were recognized as a Federal responsibility—undocument workers—a Federal rather than a State or local responsibility.

So I will withdraw the amendment, Mr. President, and accept the invitation from the managers to work on bill language and also accept what was a clear implication in the statements of objection I heard tonight.

I heard from Massachusetts, from Florida, and from Connecticut the desire to put some money into the funding of this so that we are not simply commending good intentions but actually saving lives.

Mr. McCAIN. Mr. President, I rise as a supporter—and cosponsor—of this amendment by the distinguished Senator from California, Mr. WILSON.

In my State of Arizona, as in the case of the other States bordering Mexico, the viability of our trauma care centers is being severely threatened.

Basically, what we are talking about is that some of these centers being threatened due to the volume of care provided for those who do not have insurance, are not eligible for Government health care programs because they are undocumented aliens. This is commonly referred to as uncompensated care.

The uncompensated care burden for these centers is great. For example, in my State of Arizona, alone, there are three trauma care centers that have had to incur a loss totaling $2.2 million per year solely due to this uncompensated care burden.

Mr. President, in 1986 Congress passed legislation to provide protection for these trauma care centers. It was contingent on States passing legislation. To date most States have passed such legislation.

This amendment is very important, for it will provide for the funding—$13 million dollars worth of compensation for these centers.

We cannot afford to lose our trauma care centers because of the fact that the States have yet to act on this issue. Certainly, we have got to urge our States to do so promptly; but in the meantime they need this relief.

Mr. President, I wish to commend Mr. WILSON for his long-standing leadership with respect to trauma care center issues, and am pleased to join him as a cosponsor of this amendment which, I worked on with him. I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from California is withdrawn.

The amendment (No. 2719) was withdrawn.

AMENDMENT NO. 2695

The PRESIDING OFFICER. If there are no further amendments, the question recurs on the Humphrey amendment, No. 2695, which was set aside earlier.

Mr. CHILES. I think we can finish that amendment probably.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. I think we can take the Humphrey amendment now. There was some concern about whether the Senator from Tennessee was in agreement with that amendment. I think that has been worked out, so I think we can take that.

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

The amendment (No. 2695) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the distinguished Senator from California would agree, I would like to be a cosponsor of his amendment, even though it was withdrawn. I believe it does the right thing and I am hopeful we will accomplish it.

I ask unanimous consent that I be shown as an original cosponosor.

Mr. WILSON. I will be delighted to have the cosponsorship of the Senator.

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

Mr. DOMENICI. Mr. President, I will not take much time because we have been at this a long time and everyone wants to go. But I do want to talk about this bill and its relationship to serious mental illness in the United States and the research that is going on at the National Institutes of Mental Health.

I would like to open by congratulating the United States Congress and the National Institutes of Mental Health. I think we can say unequivocally, because of what we have done in terms of not only putting more resources in the National Institutes for Mental Health, but in directing the research at serious mental illness and the science of the brain.

I think it is fair to say that we have now accumulated more scientific information about the human brain in 6 years than all of previous civilization, and that knowledge has been accumulated for the most part in the last 6 years. And the cutting edge research, including many now diagnostic tools, seems to be saying to this Senator that it will not be long, a decade or so, before we find critical answers. If we will continue to fund real science research on serious mental illness, as it applies to research on the brain, we will indeed, in the next decade, ascertain and find cures to many serious mental illnessess that have been hidden under the table for centuries. It is as if they were some strange disease that we should not talk about or that mothers and fathers were responsible for, because they did not bring their children up right. When, as a matter of fact, we are beginning to find that they are illnesses and diseases, just as cancer, tuberculosis and many others.

We now have the beginnings of a major 5-year plan for research in the illness of schizophrenia. And we are making some headway. And thanks to my good friend, the Senator from Florida, who chairs this committee, and Senator WEICKER, who is very committed to this cause, each year for the last 5 years we have increased the research in this area.

We insisted that they put in real science. We have increased research on average of 20 percent during tight budget times.

Again this year, this particular appropriation bill increases research money for serious mental illness by a substantial amount, in excess of $40 million, which I hope, when we go to conference, we will retain because the House is doing less.

I have a statement that explains the schizophrenic research plan for the next 5 years.

A NATIONAL PLAN FOR SCHIZOPHRENIA APPROPRIATIONS

Mr. DOMENICI. Mr. President, America's leadership in scientific research is being boosted by "A national plan for schizophrenia research." This initiative is the first major effort of Dr. Lewis L. Judd in his relatively new role as Director of the National Institute of Mental Health [NIMH].

Dr. Judd's reputation was largely built on his work to establish the ties between behavioral and biological phenomena in schizophrenia. Now, in his early months as head of NIMH, he has led the effort to craft this new national plan for schizophrenia research.

This plan was issued by the National Advisory Mental Health Council on February 8, 1988. The plan is ambitious. As stated in the plan's forward, "A scientific understanding of a complex and enigmatic disease such as schizophrenia cannot come to pass quickly or by fiat."

THE IMPACT OF SCHIZOPHRENIA

In the course of their lifetimes, over 2 million Americans will be stricken by schizophrenia. According to the plan, schizophrenia is "five times more common than multiple sclerosis, six times more so than insulin-dependent diabetes, and sixty times more so than muscular dystrophy. And tragically, the disease has its greatest impact during the most productiive years of life."

In about a fourth to a third of patients, "it is unrelenting from the very first episode. For an additional 50 percent, disabling symptoms appear intermittently throughout life—spawning additional health problems and social and occupational disabilities."

Almost without regard for the extent of the impact of this disease, our Nation spends relatively little on research—even through breakthroughs and expectations are very high. We are currently spending, in public and private efforts, over $1,000 per affected individual for research on muscular dystrophy and $300 per person on cancer research. Yet, we spend only $10 per person for schizophrenia research and research on the major depressive disorders.

The nature of the disease and the nature of scientific investigation require an "extensive and extended" research agenda. The goal of the plan is stated in the forward:

> Needed is not only an understanding of the causes of schizophrenia, but of the intricate biological and behavioral mechanism by which these causes actually produce the illness, and of ways to translate this knowledge into accurate diagnostic techniques and effective methods of treatment and prevention.

Much credit is given to Julius Segal, Ph.D. for his major contributions to the plan. Dr. Samuel Keith of the NIMH Schizophrenia Research Branch and Dr. Darrel A. Regier of the NIMH Clinical Research Division also played important roles in bringing this plan together.

I would be remiss, Mr. President, if I did not mention my wife, Nancy Domenici. She served on the subcommittee of the National Advisory Mental Health Council, chaired by Dr. David Kupfer, that developed the budgetary recommendations. Her name appears with several other contributors to this

plan on the page of acknowledgments. I know she did an excellent job, and I am proud of her role in this historic effort.

THE NEED FOR FUNDING THE NATIONAL PLAN FOR SCHIZOPHRENIA

As James Howe of the National Alliance for the Mentally Ill [NAMI] testified before our Appropriations Subcommittee, the National Plan for Schizophrenia represents "the best thinking of the collective genius of scientists and administrators at the National Institute of Mental Health." If we are going to be at all successful in the struggle to find the causes, manifestations, and treatments for schizophrenia, we now have a blueprint that will lead us to more fertile ground.

Melvin Sashin, M.D., medical director of the American Psychiatric Association, also testified before our Appropriations Subcommittee regarding next year's funding. He gave us a pretty stern warning about not providing sufficient funding to launch the "promise of the major National Plan for Schizophrenia."

"Talented young investigators," he said, "would be dissuaded from engaging in research careers, slowing the quest for new knowledge and the search for tools to conquer the devastating human tragedies of mental illnesses and substance abuse."

The Congress has recognized the need to capitalize on the substantial growth in fundamental knowledge in the neurosciences which has occurred in recent years. It has recognized the rich agenda of research demonstrated in the National Plan for Schizophrenia [NPS].

One factor in the need for more funds is simply the size of the investment required for NPS. It is substantially larger than in the recent past. In Dr. Sabshin's words:

> The tools essential for contemporary research range from costly PET (positron emission tomography) and MRI (magnetic resonance imaging) apparatus to smaller items required for the operation of biomedical research laboratories. Gamma counters increase productivity in receptor research; vido-enhanced microscopy permits better visualization. Video equipment enhances our capacity to study human behavior and development. Unfortunately, today, ADAMHA researchers have no federally-supported means of obtaining research instrumentation in the $5,000 to $100,000 range, and this is hindering progress in these fields.

THE NATIONAL PLAN FOR SCHIZOPHRENIA

This plan is deserving of our attention and enthusiastic support. Schizophrenia is a mysterious, complex, and multifaceted disease.

The plan clearly reflects its authors' best efforts to promote the understanding that science from many fields must be brought together. Only a carefully coordinated scientific effort on all fronts will bring the success we desperately need to understand this very powerful but elusive disease.

A look at the table of contents for the plan is enlightening. Among the topics listed in the plan are clinical phenomenology, genetics, the immune system, virology, brain pathology, brain chemistry, behavioral sciences, and treatment.

As summarized in the National Plan for Schizophrenia [NPS]:

> The mass of data accumulated about schizophrenia makes clear that the disorder is multifaceted—in its origins, manifestations, course, and treatment. That is why this report inevitably deals with research across a broad spectrum of the biological and behavioral sciences—with topics as varied as genes, viruses, neutrotransmitters, brain structure, emotion, perception, and human relationships. Scientists in different disciplines must work not toward a single answer, but toward a mosaic of many answers that, together, will ultimately stem the tide of suffering posed by the disease.

The National Plan for Schizophrenia calls for the following levels of Federal spending for fiscal years 1988 through 1991: fiscal year 1988, $65,064,000; fiscal year 1989, $123,400,000; fiscal year 1990, $191,498,000; and fiscal year 1991, $275,161,000.

Each year's totals include recommendations for project grants, research personnel, research resources, intramural research, and equipment.

SENATE ACTION FOR FISCAL YEAR 1989

Mr. President, in the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on which I serve, we were successful this year in our efforts to advance the National Plan for Schizophrenia. We worked hard for these important increases, and I urge my colleagues in the Senate to support our work.

In general, we added $43,379,000 for non-AIDS mental health research over last year's appropriation. The total for fiscal year 1989 is $297,044,000.

This total is $25,277,000 more than the administration request. As stated in our report to the full Senate, "The committee intends that a significant portion of the $25,277,000 provided above the administration request be used to support the highest priority Schizophrenia research recommended by the national plan."

In addition, the committee "would also expect that the new and competing Schizophrenia research grants awarded within the requested level will be used to implement the national plan."

Mr. President, I am proud of our committee's efforts in an especially tight year for new funding of any kind. I believe that we have recognized the importance of the National Plan for Schizophrenia and its potential for improving the lives of millions of Americans. While we could not provide the full increases hoped for by the plan authors, we have been able to add significant sums to help meet the goals of the NPS.

I urge my colleagues to support this important and historic effort by approving the full $43.4 million that we are adding to last year's mental health research appropriation. With this addition, a healthy boost of about $25 million will be added to the National Plan for Schizophrenia.

Mr. President, about 16 months ago here on the floor of the Senate, with a huge majority from both sides, we took a great deal of credit and we patted ourselves on the back. We had a great deal of praise for ourselves for passing the first omnibus bill in the area of homelessness. We directed a great deal of attention at those people in our homeless environment who were seriously mentally ill. And we found that some 40 percent of those who are homeless in the United States are seriously mentally ill.

During last Christmas in Washington, DC, some of us were able to see what that really meant as the television crews talked to those people who refused to leave the freezing streets and many wondered what that is all about. We began to ascertain that many of them are seriously mentally ill.

I have a detailed statement analyzing what we were able to do in this bill to finish the work of the Homeless Assistance Act and what we were unable to do. I regret to say that the House has not funded a number of provisions in the Homeless Assistance Act because they are taking the position that it is not authorized for next year. And, if not authorized, they will not fund it.

We, in turn, are funding some of those programs with the assumption that before the year is out it will be reauthorized and this may be out last effort for fiscal year 1989. So we had better fund it.

Second, there is a serious problem with a few of the programs—health, mental health, and emergency community services—in that the early funding was very larg(but the funding last year was very small. The year we are in, fiscal year 1988, funding was small because we were using up last year's money. So in two or three major programs we are not funding adequately because we are basing our efforts on this year's smaller level. But if you look at the total 14 or 15 months it is a dramatic cut.

So we are going to have to come up with substantial money or dismantle significant portions of the programs in homelessness.

This explains it. We have tried our best in this committee; I served on this subcommittee. We cannot do any better. But let me suggest, come December and January these three major programs in the homeless area will be

very much underfunded because we were unable to fund on the basis of fiscal year 1987, but rather on the basis of fiscal year 1988, and as a result they are very much underfunded.

This statement, for those who are interested, will reveal that in detail. Our pride in getting homeless funding started some 14 or 16 months ago should be somewhat mellowed tonight because we are not able to continue that effort. So for those who are out there asking what we are doing, compared to what we did do, I can assure you, if we do not find somewhere between $300 million and $400 million, come January and February, we will almost have aborted these three homeless programs that we were so proud of just 14 or 15 months ago.

Mr. President, in enacting the Stewart B. McKinney Homeless Assistance Act 1 year ago, we forged this Nation's first homeless policy. We made a commitment to help the homeless with emergency shelter, transitional housing, primary health care, mental health care, more relevant food assistance and other important housing and service programs.

The Senate is taking the lead in providing funds for fiscal year 1989. The House, as we all know, does not make appropriations to programs that are not formally authorized. And the McKinney bill runs out on September 30, 1988.

There are pieces of the McKinney Act making their way through the authorization process in both Chambers. I am confident that we will have a newly authorized McKinney Act for the next 2 fiscal years, 1989 and 1990.

Overall, Mr. President, we are treating the McKinney Act fairly well in the fiscal year 1989 appropriations bills as they now stand, but there are at least three programs that will need more funding if we are to keep our public commitments to help the homeless.

In the HUD, Labor, and Agriculture appropriations bills—including $60 million for food stamp entitlements—we are currently commiting about $430 million to the homeless for fiscal year 1989 in McKinney Act programs. This compares to $530 million in fiscal year 1987 and $365 million in fiscal year 1988.

President Reagan signed Public Law 100-77 on July 22, 1987. In this act, we authorized programs for the fiscal years 1987 and 1988. Given that most of fiscal year 1987 had already passed, there were only 2 full months remaining in fiscal year 1987—August and September. This gave the McKinney Act an effective life of about 14 months—2 months in fiscal year 1987 and the full 12 months of fiscal year 1988.

For comparison's sake, we could add $415 million that we appropriated in fiscal year 1987—not counting the $115 million in FEMA funds prior to the McKinney Act—and $365 million for fiscal year 1988. This would give us a total of $780 million for 14 months of McKinney Act program operation.

If we assume the same rate of spending for 12 months—86 percent—of this 14-month period, the next 12 months of fiscal year 1989 would require about $670 million to continue the same McKinney Act programs at the same levels of funding. So far, as I have mentioned, we are up to $430 million or 64 percent for a comparable 12-month effort.

I am not advocating increases to take us up to $670 million for fiscal year 1989, Mr. President. I simply urge my colleagues to take a closer look at some of the important McKinney Act programs that will suffer if we do nothing to add needed funding.

I am very concerned, Mr. President, that when we do reauthorize our homeless programs, we will find ourselves short on funds for the vital health and mental health programs for the homeless. I would like to take a few moments to explain this situation to my colleagues.

The key problem arises from the timing of the McKinney Act and its related appropriations.

We knew full well that our fiscal year 1987 supplemental funding would carry over into fiscal year 1988. We foresaw this problem and we made sure that all funds provided for any fiscal year under this act would be available until expended. Realizing the late start in the fiscal year, we generally appropriated more funds in fiscal year 1987 than we did in fiscal year 1988 for the obvious reason that most of the money made available in fiscal year 1987 would not be spent until fiscal year 1988.

For primary health care we authorized $50 million and appropriated $46 million in fiscal year 1987. For the mental health block grant we authorized $35 million and appropriated $32.2 million in fiscal year 1987.

Knowing that we had just made these appropriations, and knowing that they would be available until expended, we added smaller amounts in our fiscal year 1988 appropriations cycle, just a couple of months later.

For the primary health care grants we added $14.3 million in fiscal year 1988. The amount of $11.5 million was added to the mental health block grant in fiscal year 1988.

Thus, for the 14-month life of the McKinney Act, we appropriated $60.3 million for health care and $43.7 million for mental health care.

My concern, Mr. President, is that this quirk in funding cycles has been ignored and misinterpreted for fiscal year 1989, and the resulting funding levels for these two vital programs are substantially lower than the original promise of the McKinney Act. The implications of this lower funding for fiscal year 1989 are quite severe.

The 109 primary health care grant recipients will have to be cut back by 75 percent if we do not remedy this situation. The 50 States receiving mental health block grant funds will see a 50-percent reduction.

The Senate Labor Committee and the House Energy and Commerce Committee are each recommending $61.2 and $63.6 million in authorizations for health care for the homeless in fiscal years 1989 and 1990. The Senate Labor Committee is recommending "such sums" as may be necessary for the mental health block grant for the same years. Thus, we are currently supporting higher levels of authorizations for health and mental health grants, while cutting appropriations back severely.

In addition to the health and mental health funding problems, I would remind my colleagues that the Emergency Community Services Homeless Block Grant Program has not yet received any appropriations for fiscal year 1989. We authorized this block grant at $40 million and funded it at levels of $36.8 million in fiscal year 1987 and $19.1 million in fiscal year 1988.

I believe my colleagues do not intend that the homeless people of America be deprived of vital health, mental health, or emergency community services. We intentionally built our national programs on the strengths of existing networks of churches and nonprofit organizations. Now, if we do not change our funding levels early in fiscal year 1989, we will be saying to most of these vital service providers: "Go it alone again. We have changed our minds. You can help the homeless while we cut you back 100 percent—community services, three quarters—primary health care grants or one half—mental health block grants."

Being homeless, Mr. President, is practically synonymous with poor health. In addition, 35 to 40 percent of the homeless suffer from some form of serious mental illness. These are not frivolous programs or wasted spending. They are a vital part of most communities' service programs for the homeless.

For the first 14 months of Federal assistance for the homeless we provided $104 million for health and mental health. Now we are saying, "Keep up the good work, but try continuing your efforts on $29.3 million for the next 12 months!"

Our funding for the health and mental health programs for the homeless in this fiscal year 1989 appropriations bill are about one-quarter of a similar 12-month period from the fiscal year 1987 and fiscal year 1988 appropriations. What does a such a

huge reduction say about our commitment to the homeless, Mr. President?

I have a two-page summary of all authorizations and appropriations for the Stewart B. McKinney Homeless Assistant Act Programs. This summary covers fiscal years 1987 and 1988. It includes the Senate appropriations figures to date for fiscal year 1989. I ask unanimous consent that this summary be printed in the RECORD.

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

(See exhibit 1.)

Mr. DOMENICI. In conclusion, Mr. President, I see no need to wait for cold weather and newspaper headlines to prompt us to provide adequate funding for the McKinney Act programs. This act is the centerpiece of our national policy on homelessness. We should take the leadership steps required to add about $100 million to the fiscal year 1989 appropriations bill.

One hundred million dollars could bring primary care health grants up to $60 millon; mental health block grants up to $35 million; and emergency community services up to $35 million—from zero—in the fiscal year 1989 appropriations bill now before us.

It is my recommendation to my colleagues that we find a way to add funds to these vital programs before we send this bill to the President for his signature.

EXHIBIT 1

FEDERAL HOMELESS ASSISTANCE PROGRAMS

[Funding in millions of dollars]

	Authorization		Appropriation		
	Fiscal year 1987	Fiscal year 1988	Fiscal year 1987	Fiscal year 1988	Fiscal year 1989
HUD					
Emergency shelter grants	100	120	60	8	35
Fiscal year 1987 appropriation			10		
Fiscal year 1988 supplemental			50		
Supportive housing demonstration	80	100	85	[1]65	85
Fiscal year 1987 appropriation			5		
Fiscal year 1988 supplemental			80		
Supplemental assistance for facilities to assist the homeless	25	25	15	0	0
Section 8 mod rehab assistance for SRO dwellings	35	35	35	0	35
FEMA					
Emergency food and shelter grants	[2]15	124	125	114	114
Fiscal year 1987 appropriation			115		
Fiscal year 1988 supplemental			10		
HHS					
Health services for the homeless grants	50	30	46	14.3	15.0
Community mental health services block grants	35	([3])	32.2	11.5	14.3
Community demonstration projects for chonically mentally ill	10	0	9.3	0	4.65
Community demonstration projects for alcohol and drug abuse treatment	10	0	9.2	0	4.6
Emergency community services homeless block grants	40	40	36.8	19.1	0
Education					
Adult education—statewide literacy initiatives	7.5	10	6.9	7.2	7.2
Grants to states for education of homeless children and youth	5	5	4.6	4.7	5.0
Grants for exemplary education programs for homeless children and youth	0	2.5	0	0	0
Labor					
Job training for the homeless demonstration grants	0	12	0	9.5	0
Reintegration projects for homeless veterans set-aside		2		1.9	
VA					
Additional domiciliary beds for homeless veterans			15		0
USDA					
Temporary emergency food assistance (TEFAP)	50	50	50	50	50
Surplus food distribution		7		0	
Food stamp changes		54	0	62	62
OTHER					
Interagency Council on the Homeless	0.2	2.5	0.2	[4]0.8	1.0
Total	462.7	617.0	530.2	365.3	432.75

[1]Of the $65 million, $750,000 is to be transferred to the Interagency Council on the Homeless.
[2] McKinney Act authorization only.
[3]"Such sums as may be necessary."
[4]Included under Supportive Housing Demonstration (which see); not included in total to avoid double-counting.

Mr. DOMENICI. Last, I have a detailed statement about funding in certain fields of education for the last 7 years. In particular, higher education—that indicates that we have done a reasonably good job; that those programs are up for higher education, especially student loans, not down as some might imply.

Mr. President, as we consider H.R. 4783, the Departments of Labor, Health and Human Services, Education and related agencies appropriations bill for fiscal year 1989, I would like to take this opportunity to make a few points about Federal funding for a very important national priority—the education of our Nations' children.

It seems to me that there has been a lot of talk lately about how our children cannot compete successfully for jobs. There's talk that our children are not being prepared for the future economy. We keep hearing that our high school graduates can't read beyond the ninth grade level. And that nearly a quarter of all American teenagers drop out of school.

I do not want to argue those facts. They are true. And they concern me. But what also concerns me is the allegation that our children are failing because of the lack of a Federal commitment to education funding.

Mr. President, I cannot accept this premise.

The truth is, Mr. President, in nominal dollars, the Federal Government has increased its commitment to education funding by nearly 43 percent since 1980. This is for all levels of education.

Mr. President, total expenditures for education in the United States have grown from $183 billion in the 1980-81 school year to an estimated $309 billion in the 1989 school year. The Federal share of this is nearly 9 percent.

Mr. President, the commitment to education is at the Federal level. Over the past 8 years, there have been both nominal and real increases in funding:

For compensatory education for the disadvantaged, funding increased by 35 percent since 1980, for handicapped education, there has been a remarkable 78 percent increase.

For higher education programs, the increase is equally as impressive: A 55-percent nominal increase for student financial assistance including Pell grants for needy students and a 59-percent increase for the Guaranteed Student Loan Program.

Mr. President, for higher education programs, there is also an impressive Federal commitment in real terms:

In real terms, we have increased funding for student financial assistance by nearly 8 percent since 1980. For just the Pell Grant Program, there has been a 43 percent real increase in Federal funding.

Also in real terms, we have increased funding for the Guaranteed Student Loan Program by nearly 11 percent since fiscal year 1980.

In 1980, 2.9 million students received a Pell grants. In fiscal year 1988, 3.2 million students will get this award and the administration requested funds to support a total of 3.4 million grants in fiscal year 1989. That's good news.

For the Guaranteed Student Loan Program, there were 2.3 million loan commitments in 1980. In fiscal year 1988, there are an estimated 3.5 million commitments. The administration requested funds to support 3.7 million commitments.

Mr. President, even with all of this said, I am not going to stand here and say to you that I am entirely happy with the level of funding for the Department of Education in this appropriations bill.

I for one wish we could increase funds for programs to assist children that are at the greatest risk of failing in our schools. As a nation, we have a responsibility and a commitment to helping these children and a commitment to provide them with a first rate

education. One that will enable them to compete successfully for jobs when they graduate.

But, Mr. President, I think that we are doing the very best that we can do under some very significant constraints. I refer specifically to Gramm-Rudman-Hollings budget targets and to the bipartism budget agreement entered into last year between the President and the Congress. I want my fellow Americans to know that the choices we make here are not easy.

I ask unanimous consent that a table displaying historical funding levels for selected Federal education programs be inserted in the RECORD immediately following my remarks.

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

TABLE 1.—HISTORICAL FUNDING LEVELS FOR SELECTED FEDERAL EDUCATION PROGRAMS

[Budget authority in millions]

	Fiscal year—								
	1980	1981	1982	1983	1984	1985	1986	1987	1988
Elementary/secondary/vocational education:									
Chapter 1	3,216	3,117	3,034	3,200	3,481	3,688	3,530	3,944	4,328
Impact aid	825	757	456	540	600	695	683	718	708
Special programs	886	612	537	555	528	758	675	941	1,040
Indian education	76	82	78	67	69	67	64	64	66
Bilingual/immigrant education	167	161	138	138	169	173	166	189	192
Handicapped education	1,049	1,025	1,069	1,199	1,240	1,321	1,350	1,742	1,869
Vocational/adult education	907	782	742	824	838	940	907	995	1,013
Higher education:									
Financial assistance	3,685	3,497	3,581	4,009	4,241	4,988	4,663	5,074	5,705
Higher education	406	399	385	422	407	479	451	480	534
Guaranteed loans	1,609	2,807	3,074	3,081	2,256	3,800	3,266	2,717	2,565
General education	402	392	361	417	376	424	404	431	444
Training/social services:									
Rehabilitation services	932	954	952	1,045	1,155	1,234	1,309	1,485	1,590
Total, Department of Education	14,433	14,886	14,532	15,356	16,934	18,356	17,763	19,127	20,571
Nominal increase (percent)		3.14	−2.38	5.67	10.28	8.40	−3.23	7.68	7.55
Increase from fiscal year 1980 (percent)		3.14	0.69	6.40	17.33	27.18	23.07	32.52	42.53

Mr. McCAIN. Mr. President, on July 25, 1988, the Senate considered an amendment to the Labor-HHS appropriations bill to strike funding for title X of the Public Health Service Act from the committee amendment. When voting on this amendment, I was under the impression that the amendment would have withheld title X funding if the Department of Health and Human Services had not promulgated regulations to prohibit the provision of contraceptive drugs or devices to an unemancipated minor without the prior written consent of the minor's parent or guardian by January 31, 1989. As a result of this misunderstanding, I mistakenly voted against the motion to table the amendment which was before the Senate.

The effect of this amendment, if it had been adopted, would have been to eliminate funding for title X, family planning programs.

I would like to make it clear that it was not, nor has it ever been, my intention to see family planning funds slashed. I support the Family Planning Program and its goal of assisting individuals with planning out their families. I am, however, strongly opposed to Federal funding of institutions or programs which perform abortions. I also strongly believe that written parental consent must be obtained before a clinic or school provides an unemancipated minor with contraceptive drugs or devices. I believe these are issues that must be addressed and resolved. And I do not feel that any federally funded abortion activities ought to be a part of the Family Planning Program. I will, however, continue to be a supporter of the Family Planning Program.

EDUCATION INITIATIVES

Mr. KENNEDY. Mr. President, it is a sad fact that there is not enough money in this bill to fund all of the programs that we would like to support. In the education area, many new initiatives authorized by the Hawkins-Stafford Elementary and Secondary Education Improvement Act are not funded in the Senate bill. I think this is unfortunate because many of the new initiatives were the product of extensive work in the Labor Committee and address important educational needs. One new initiative is of special interest to me. This is the fund for the improvement and reform of schools and teaching [FIRST]. This was an initiative that I authored along with Senators HEINZ and BRADLEY. This program, which is funded at $12 million in the House appropriations bill, would fund small innovative projects at the school building and school district levels that are designed and implemented at the local level.

I think the local emphasis on this is important. Most of the time, our education initiatives are based on a national perspective about what Federal programs should be like. While this is appropriate in many cases, it is not always the best strategy.

Recent education research has convincingly demonstrated that the best education reforms are those that are designed and implemented at the local level. First, by emphasizing local projects, will create a funding source for teachers and administrators so they might receive modest grants to implement their ideas. Only the best proposals will be funded and the competition will be great, but we will have a Federal funding source that focuses on local initiatives.

This program was not funded in the Senate's fiscal year 1989 appropriation bill. While I am disappointed that this is the case, I would like to note that this program is funded at $12 million in the House appropriation bill. I would hope and strongly encourge the Appropriations Committee to accept the House funding level for this important program.

Mr. HEINZ. Mr. President, I join with my friends Senator KENNEDY and Senator BRADLEY in urging the managers of the bill to, in conference, recede to the House appropriation for FIRST. In 1983, Senator CHILES, Senator BRADLEY, myself and others offered the Excellence in Education Act, which provided funds to local education agencies for such activities as curricula modernization, improved teacher performance, team teaching, model programs, and more. Senator WEICKER, on two occasions, assisted me in obtaining appropriations for the program.

Given the past support of my good friends, Senator WEICKER and Senator CHILES, for a similar effort, I hope we can again have their help on this effort.

Last year, during consideration of the Robert T. Stafford Elementary and Secondary Education Improvement Act, Senator KENNEDY offered to expand and improve the Excellence in Education Program with an exciting new proposal: The fund for improvement and reform of schools and teach-

ing, or FIRST. FIRST, which is to replicate the successful fund for improvment of post-secondary education but at the elementary and secondary level, has an even broader scope than the previous program, is easier to administer, and—most significantly—has drawn tremendous support from the administration, from the National Education Association, the American Federation of Teachers, and others.

It has been 5 years since the report "A Nation at Risk," warned that we face a rising tide of mediocrity in education. Yet, have we in Congress responded? This program, FIRST, is the best available vehicle to provide targeted assistance to the very best education reform efforts. It provides the seed money by which education agencies—competitively selected on the basis of merit—can undertake and complete the improvements needed in the quality of education, and in teacher skills, to make education reform work. The Nation's teachers recognize how important this effort is—they strongly support this program. The Reagan administration requested $12 million, which the House has approved. The Vice President has even proposed that we exceed the authorization for the program and appropriate $50 million.

But, if we fail to provide the resources that FIRST needs to succeed, then the answer must be: No, we have not really responded.

We must not leave the battle for education reform to others. I urge the managers to strongly support this program in conference, and to include the House level of $12 million in the final conference agreement.

Mr. BRADLEY. Mr. President, I join with Senator KENNEDY and Senator HEINZ in urging the Senate conferees to recede to the House appropriation level for FIRST. I urge the conferees to provide the full $12 million, with its $4 million appropriation for the Family/School Partnership Act. I believe that the Family/School Partnership Act will provide the leadership so urgently needed by States and localities in the development of effective family-school programs which are responsive to local needs.

Mr. President, in recent years, we have seen tremendous changes in the structure of family life. More and more children are being raised in single-parent families, two-parent families where both parents work, and other variations on what we once thought as the traditional family. What has not changed is that families, across all economic and racial lines, care about their children and their children's schooling. Programs which have had successful parent involvement components, such as Head Start and Project Followthrough, demonstrate that even tired, overworked parents will make time to ensure a good education for their child.

Mr. President, I firmly believe that trying to educate children without the involvement of families is an impossibility. To get results, we must involve the child's first teachers—the family.

Mr. CHILES. I thank my colleagues for bringing their concerns to us. The proposed program was authorized earlier this year in H.R. 5. To fund this program, however, would require an adjustment in the section 302(b) ceiling for the Labor-HHS-Education Subcommittee. My colleagues understand the constraints that face this bill, and they have my assurance that the committee will consider funding for this program in conference.

Mr. WEICKER. We will have an opportunity to review the House action when we get to conference.

FUNDING FOR PRESCHOOL SPECIAL EDUCATION PROGRAMS

Mr. CRANSTON. Mr. President, as a longstanding advocate for the rights of disabled individuals and of programs to meet their specific needs, I would like to discuss briefly certain issues relating to the provision in the bill as reported appropriating $250 million for the Handicapped Preschool Grant Program—enacted in title II of the Education of the Handicapped Act Amendments of 1986, Public Law 99-457.

Federal support of preschool special education is essential to providing a wide variety of necessary services to preschool-aged children with disabilities. In California alone, due in part to this grant services through the California public schools in the State's fiscal year 1988, and, in its fiscal year 1989, California anticipates serving approximately 37,000 disabled preschool children with the assistance provided through this program. While this issue is certainly important to California, it is also of vital importance to the Nation. With early intervention and assistance provided by special education preschool, we are giving children with disabilities, age 3 to 5, an opportunity to reduce their handicap, to gain developmental, cognitive and social skills, and decrease the likelihood of developing secondary disabilities. In terms of the children's futures, early intervention decreases the likeihood of the child needing further intervention, while increasing the likelihood of their functioning productively and independently in their adult years.

If the positive effects on the quality and productiveness of each child's life are not enough of a reason to support adquate appropriations in this area, research has shown that providing special education in preschool years results in substantial cost-avoidance in terms of future services. For instance, by providing preschool services to children with exceptional needs, California enjoys an estimated cost avoidance of $23,126 over the education life of each child served. This figure includes only educational costs; reduced needs for other human services likely produce additional fiscal benefits. The California Department of Education estimates that, for the 42,081 preschoolers that California currently plans to serve by 1991, the cost-avoidance will be nearly $1 billion by the year 2004, when the first class graduates from high school. Other States would realize a cost-avoidance in accordance with the numbers of children served.

Over the last 2 years, Congress has steadily increased funding for this Preschool Grant Program, and the States depend on those funds in planning and implementing their programs. Section 619 of the Education of the Handicapped Act as amended by Public Law 99-457 (20 U.S.C. 1419) refers to an aggregate funding level of $656 million for 3 years, fiscal year 1987-89. In fiscal year 1987, Congress appropriated $180 million for fiscal year 1987 and $205 million for fiscal year 1988. To reach the projected aggregate level, a total of $275 million would need to be appropriated for fiscal year 1989.

Despite the obvious importance of this program to disabled children throughout the Nation, the President's fiscal year 1989 budget requests only $205 million—the same as was appropriated for fiscal year 1988. The House-passed version of the Labor-HHS-Education bill provides for the amount requested by the President. The Senate version, as reported by the Appropriations Committee, provides $250 million. I applaud the distinguished chairman, Mr. CHILES, ranking minority member, Mr. WEICKER, and other members of the Appropriations Subcommittee on Labor/HHS/Education for their commitment to and concern for preschool children and their special education needs as demonstrated by their excellent work in this regard.

Mr. President, concerns have been raised by many Californians that under California Assembly bill 2666, as enacted on July 29, 1987, the State would be required to terminate its participation in the preschool special education grant program unless Congress appropriates $275 million for the program for fiscal year 1989.

Mr. President, that State law requires California to terminate its participation in the program if "the Federal Government fails to fund the authorized level of title II of the Education of the Handicapped Act Amendments of 1986 * * * during the Federal fiscal year 1988, or any fiscal year thereafter." However, the authorizing legislation, section 619(e) of the Education of the Handicapped Act (20

U.S.C. 1419(e)) as amended by title II of the 1986 law, authorizes the appropriation of "such sums as may be necessary." The provision from which the $275 million figure is derived is not an authorization of appropriations. Rather, it is part of a two-step mechanism that could result in the postponement—from fiscal year 1990 to 1991—of a requirement that States receiving grants provide special education and related services to all, instead of just some, disabled children, aged 3 to 5, if a total of $656 million is not appropriated for the program in fiscal years 1987 through 1989 and if at least $306 million is not appropriated in fiscal year 1990. Thus, if neither target is met, the requirement of providing all, instead of just some, disabled preschool children with special education is delayed by 1 year.

Upon review of these provisions and the California law, it became apparent to me that the view which has expressed that California would be required to terminate its participation if $275 million were not appropriated for fiscal year 1989 might not be well-founded. Therefore, through informal contacts with the California Department of Education, I sought clarification of the State government's position on this matter. I have been advised that the State department of education agrees with me that the California statute may not require the State's termination of its participation in this program. I have been informed that the legislative counsel for the California State Legislature is reviewing the matter, and an opinion is expected in the next few weeks. However, the department of finance, which originated the interpretation that California would be required to terminate its participation, which would result in California losing approximately $27 million in fiscal year 1989 Federal funding for its preschool special education program, is not reviewing its original opinion.

I am hopeful that the legislative counsel for the State legislature will interpret the statutes as not requiring termination and that it will be possible for California to continue participation in this grant program which can ultimately be of such great benefit to thousands of preschool age disabled children in California.

Mr. President, although I recognize the severe budget constraints under which Congress and the Federal Government must operate, I believe this program of preschool special education is important enough—in terms of enhancing young lives as well as avoiding long-term costs—that the $275 million should be appropriated. However, recognizing the difficulties in achieving that result, I wish to urge the very able leaders of the Appropriations Committee and the Labor-HHS-Education Subcommittee and other Senate conferees on this measure to do their utmost to retain in conference the full $250 million provided in the Senate version of the bill for this program. I stand ready to do all I can to assist in this important effort.

GRADUATE EDUCATION PROGRAMS

Mr. RIEGLE. Mr. President, I would like to take a little time today to discuss the importance of graduate education programs. The number of college graduates choosing to enroll in graduate programs and pursue careers in teaching and research is declining. Financial disincentives are a major cause of this decline, including declining grant support, increased student indebtedness and increased tax liability.

But the need for new college faculty will increase in the mid-1990's. As at all levels of our educational system, it is very important that we encourage talented students from diverse backgrounds to become teachers and researchers.

I am concerned that the bill we are considering today does not give enough consideration to this issue. The Senate freezes funding for four key graduate education programs: Minority Participation in Graduate Education grants, Patricia Roberts Harris Graduate Fellowships, the Jacob K. Javits Fellows Program, and Graduate Assistance in Areas of National Need. However, an additional $17.3 million is needed to fund new classes next year equal in size to this year's classes and to meet obligations for continuing fellowships. The House provides a total increase of $8.5 million for three programs.

Mr. President, each of these programs helps to address a particular area of critical need. Grants for Minority Participation in Graduate Education are used to provide summer research internships and education enrichment programs for talented minority undergraduates to interest them and help prepare them for graduate schools. Blacks, Hispanics, and American Indians are currently underrepresented in graduate education.

The Patricia Roberts Harris Graduate Fellowship Program is the largest Federal program providing fellowship support for graduate and professional study to students who are underrepresented in graduate education, providing 1,400 fellowships in 1986. This program has proven to be an effective approach to increasing the graduate enrollment of women and underrepresented minorities.

The Jacob K. Javits Fellows Program is the only federally funded program providing fellowship support for graduate study in the arts, humanities, and social sciences. It has been successful in encouraging some of the Nation's most gifted college graduates to continue postbaccalaureate study. The program needs one more year of increased funding to bring it to its authorized level. After this year, level funding will be sufficient to support four classes of fellows.

Graduate Assistance in Areas of National Need is designed to increase the number of talented college graduates who pursue careers in teaching and research in critical fields. The program will support approximately 500 students this year. New money is needed to support the second year of this year's trainees while funding a new competition.

I would also like to address one other critical higher education program that I feel is seriously underfunded in the Senate bill—the State Student Incentive Grant Program [SSIG]. The Senate bill only provides $42.8 million for this program, $30 million less than its current level of funding and more than $35 million less than the House bill provides. A reduction of this magnitude would cause over 1,000 students in my State of Michigan alone to lose these scholarships. This program encourages States to expand and sustain scholarship assistance to needy students. Many of us have noted with alarm the increasing reliance on student loans in financing higher education. The program has proven effective in helping States provide assistance to needier students who might not otherwise be able to reach the dream of and promise of higher education.

Mr. President, I realize that the Appropriations Committee had to make some hard choices in deciding how to spend very tight funding in this bill, and I have some concerns with other deficiencies in this bill as well. But I hope that the conferees will agree with me that we must continue to do all that we can to encourage students to achieve their full potential. That means we have to make sure that needy students have the opportunity to go to college, and that talented students from a broad variety of backgrounds are encouraged to go on and become the teachers and researchers the Nation will need to meet the challenges of the 1990's.

LOW-INCOME ENERGY ASSISTANCE

Mr. MELCHER. Mr. President, I rise in support of the amendment offered by the Senator from Connecticut to urge restoration of funding for the Low-Income Home Energy Assistance Program or LIHEAP.

As chairman of the Senate Special Committee on Aging, I find it unconscionable that, once again, we are forced to fight severe appropriation curtailments for LIHEAP, a program that is a lifeline to many of our Nation's low-income citizens. Elderly persons live in nearly 40 percent of the households now receiving energy assistance and further cuts will only in-

crease their vulnerability to hypothermia and heat-related illnesses.

In this summer of extreme heat and drought, front-page newspaper headlines about heat-related deaths are becoming far too common. Most of the victims are elderly, found in unventilated, uncooled rooms. Even if they have a fan or air-conditioner, many are afraid to turn them on for fear they cannot pay their electric bills. Unpaid utility bills from the summer often result in utility cutoffs in the fall. And that brings with it the fear of being without heat for the winter.

It seems that summer heat waves are becoming more the norm than the exception. In the decade of the 1980's, we have seen the four hottest summers of this century. In my northern tier State of Montana, days with temperatures over 100 degrees are common. And I am hearing about more urgent needs for cooling assistance. The heat is tough on everyone, but especially brutal on the elderly. They are the most vulnerable to heat stress, illness, and death, often brought on by stroke and heart failure. Yet, because of funding limitations, only 15 States have cooling assistance or summer crisis programs under LIHEAP, spending approximately $34 million in 1987 as opposed to $1.4 billion in all States for heating assistance and winter crisis programs.

This Safety-Net Program has been cut far too much already. If we accept the appropriations recommendations of the committee for LIHEAP, it will mean that this vital program will have been cut by 41 percent since 1986. According to a recent study by the Villers Advocacy Associates and the National Council of Senior Citizens, the elderly poor, with an average annual income of $5,306 in 1986, paid $940 for their energy expenses. That's 18 percent of their total income. Additional cuts in energy assistance in the 2 years since then has meant higher out-of-pocket costs for energy needs and even fewer dollars available for other basic necessities. Meanwhile, the majority of these elderly live alone, in single-family detached homes often in need of insulation and weatherization.

Because of the 1988 funding cuts, an estimated half million persons were dropped from the program, most of them elderly and "working poor" households. Almost half of the States also cut benefit levels in 1988. In fact, LIHEAP appropriations covered only 16 percent of the heating and cooling costs of poor eligible households in 1988 as compared to 40 percent in 1979.

The perception that oil overcharge funds are available to make up the vast gap left by Federal funding cuts is simply not true. State legislatures already have made final decisions on allocation of about 80 percent of the Exxon and Stripper Well funds that they received in 1986 and 1987. On the average, States used 21 percent of Exxon funds and 8 percent of Stripper Well funds for LIHEAP—and 50 percent and 17 percent, respectively, for all low-income uses, such as weatherization of homes, public housing and homeless shelters. Most of the States have spread the funds out over a number of years. Many States have spent more on weatherization than LIHEAP as a longer term, more permanent solution to the energy needs of the poor. At any rate, substantial new funds from oil overcharges are not likely in the future.

With the record heat wave that is baking this Nation, this is no time for the Congress to further erode a program that is so vital to the health of our Nation's very poor. It is a time to adopt this amendment.

RURAL HEALTH TRANSITION GRANTS

Mr. DURENBERGER. Mr. President, I want to thank the managers of this bill, Senator CHILES and Senator WEICKER, for their excellent support and their willingness to include adequate funding for the rural health transition grants, a very important, highly targeted program that will help hundreds of small, financially fragile rural hospitals throughout America.

The $15 million appropriation should help up to 300 of the most highly distressed rural hospitals this year, at a time when the same hospitals are about to go under. It has been repeatedly documented in Minnesota and throughout rural America that rural hospitals have the most severe fiscal shortfalls and the hospitals are failing. They are in serious trouble because they face unfairly low payments from Medicare, they are unable to cover the large proportions of uninsured and poor because the local communities are still coming out of an economic depression—now compounded by the drought—and there are changes in medical practice patterns that encourage use of outpatient services. If all of that were not enough, like their urban sisters, rural hospitals are also buffeted by ever-rising costs of technology, liability insurance and serious nurse and other health professional recruiting problems. Small rural hospitals have an even harder time coping with these problems since they may be isolated, and cannot benefit from scale economies.

This grant program will buy time and opportunity to redesign their services to fit more closely to the community's needs.

Mr. President, the Senate is sending clear, unequivocal messages to rural America that: First, we care about your problems; Second, we know how important health care is to small towns and rural areas; Third, we recognize that the problems of access to health care are very different than in urban areas; Fourth, we value what small town and rural America contribute to our Nation; and Fifth, we are committed to ensuring that all Americans have access to quality health care.

Mr. President, I want again to thank the managers of the bill—Senator CHILES and Senator WEICKER—for their hard work and great leadership in ensuring that essential health and human services are maintained with particular attention to serving the poor and vulnerable in our Nation. I also want to acknowledge Senator HARKIN's key role and unstinting commitment to rural health care and this grant program in particular. I know that they will fight to maintain the full appropriation in conference, knowing how important each of these modest grants will be to small rural hospitals.

I want to request that the managers work hard in conference to sustain the Senate funding level of $15 million. This is money very well spent on a small but vital investment in the health of millions of rural citizens.

Mr. CHILES. I appreciate the sentiment of the Senator from Minnesota and his remarks. His own leadership and determination in creating this rural health grants program have been essential to getting this far. And his fight to get the program authorized in the Finance Committee has been well waged. We will do everything we can to preserve in conference the Senate level.

Mr. WEICKER. I too thank the Senator from Minnesota for his comments and his kind words. This is an important program that should serve as an excellent bridge or transition to the future when regionalized systems of care can permit Americans to enjoy access to the highest quality of care without duplication and enable them to receive the most appropriate level and technical quality of care in the most cost effective manner. I share the chairman's resolve to do everything we can to preserve the funding included in this bill.

Mr. HARKIN. I thank the Senator from Minnesota for his complimentary words and for his fine work in helping rural hospitals. I will certainly do all I can in conference to ensure that the full Senate appropriation is upheld.

As I travel around Iowa and realize the terrible human and economic effects the drought may have, I return with renewed commitment to do all I can to help rural Iowa, Minnesota and rural America cope with these stresses—both the new ones and the old ones. The Senator from Minnesota and I cochair the Rural Economic Development Task Force and this program is a critical feature in rural economic recovery. Hospitals and other health providers are important economic institutions, sometimes the larg-

est employers in an area, as well as sources of health care, sometimes the largest employers in an area. The vitality of rural hospitals is essential for a healthy citizenry and healthy communities.

STUDENT FINANCIAL AID OFFICER DISCRETION

Mr. PELL. Mr. President, I rise to express serious concern with a provision in the legislation before us. It would strike the student financial aid officer discretion provision that was included in the Higher Education Amendments of 1986 and further clarified in the 1987 technical amendments.

The discretionary authority was included for two reasons. First, it provided a modicum of flexibility on which to consider extenuating circumstances in determining whether or not a student was eligible to receive Federal student aid. During reauthorization, we found numerous examples where discretionary authority was needed. For instance, we learned that escalating home values could place low-income families at a considerable disadvantage. The value of their home indicated an asset against which they could conceivably borrow to finance a child's education, but the family income was insufficient to permit the family to borrow and also repay the loan.

Second, we were able to make a series of restrictive, cost-saving changes in student aid needs analysis because we had the discretionary authority as part of our legislation. We were under very tight fiscal restraints when we reauthorized the Higher Education Act in 1986, as we are today, and one of the reasons we were able to produce a fiscally prudent bill was because of the provision that would now be struck in the appropriations bill.

I would urge, therefore, that the Senate recede on this matter when it comes up in the House-Senate conference on this legislation. The House has no similar provision in its appropriations bill, and I would hope that the final result of the conference would be an acceptance of the House bill language.

Mr. STAFFORD. I agree entirely with the statement of my colleague from Rhode Island. I might add that the example Senator PELL cited with respect to home values applies in a somewhat different sense to farm families. These families often find themselves in a situation where the value of the farm they own indicates an asset against which they can readily borrow. Unfortunately, they often cannot borrow against the value of their land, and even if they can, they all too often find themselves unable to repay the loan because their income is insufficient. This situation will only be compounded with the severity of the current farm crisis.

I would also add that the discretionary authority is an integral part of the needs analysis process now spelled out in law. It has been the subject of extensive debate and discussion by the authorizing subcommittee. It should not be altered without considering changes in other parts of needs analysis, and that is something that is best left to the authorizing subcommittee, which has expertise in this area and works with the system on a day-to-day basis.

Because of this, I join Senator PELL in urging that the provision in this legislation that strikes the student aid officer discretionary authority be dropped when this matter comes up in the House-Senate conference.

Mr. CHILES. Mr. President, my colleagues on the Subcommittee on Education, Arts, and Humanities offer a compelling argument with respect to the student aid officer discretionary authority contained in our legislation.

I want to assure my colleagues that I will give very serious consideration to their position when we go to conference with the House, and that I will make every effort to accommodate their concerns.

I should note that in adding this language, the committee is attempting to prevent the need for a linear reduction in the Pell Grant Program which the Department has the authority to do using its own estimates. A linear reduction would do a great hardship to hundreds of thousands of students. Further, it should be noted that aid administrators will continue to have discretion over awards for the campus based program and for the guaranteed student loans.

COMMUNITY SERVICES BLOCK GRANT

Mr. GRASSLEY. Mr. President, I would like to take this opportunity to commend the distinguished chairman of the Labor, HHS and Education Appropriations Subcommittee, Senator CHILES, and the distinguished ranking member, Senator WEICKER, on the funding level included in the bill for the community services block grant. I note that the committee has recommended an increase of some $20 million for the CSBG funding for fiscal year 1989 over the fiscal year 1988 levels. I also note, with some concern, that the House subcommittee has recommended a cut in CSBG funding in fiscal year 1989. I wish to point out to my colleagues the importance of maintaining, at a minimum, the Senate's recommended level of funding for the community services block grant for the following reasons:

First, Mr. President, neither the House nor the Senate Labor, HHS appropriations bill includes funding for the emergency community services homeless grants. Fiscal year 1987 funding was $36.6 million; fiscal year 1988 funding was $19.1 million; it appears the fiscal year 1989 funding will be zero. I know that the committee is fully aware of the important services community action agencies provide to the homeless.

I know in my State of Iowa, community action agencies will continue their expanded efforts on behalf of the homeless even though they face this significant cut in specific homeless funds. It is my understanding that this pattern exists nationwide as well.

Also, Mr. President, it appears that we will enact legislation this year raising the minimum wage in each of the next 3 years. Community action agencies who employ some 160,000 people nationwide will certainly be affected by this increase. A recent study by the National Community Action Foundation indicated that nearly 12 percent of these employees make at or near the minimum wage level.

And finally, it appears that the Low Income Home Energy Assistance Program faces the prospect of another cut this year. I am concerned by these cuts. I also must remind my colleagues that when LIHEAP funding was cut in fiscal year 1988, community action agencies used community services block grant funds to help make up the difference. GSBG funds replaced LIHEAP funds in providing administrative and outreach and referral costs.

In closing, Mr. President, for the reasons outlined above and many more that are equally obvious, I urge my colleagues on the Appropriations Committee to insist on the Senate's recommended levels for the community services block grant when we move to conference with the House.

Mr. CHILES. Mr. President, I wish to thank the senior Senator from Iowa, Senator GRASSLEY, for expressing his concerns and in recognizing the need for an increase in community services block grant funds—not only for Iowa and Florida, but nationwide. CSBG is an important program for meeting a variety of needs—not just for the homeless, but also for drug education and outreach and referral to the low-income/high-risk population. I would like to assure the distinguished Senator that I share his concerns and will make CSBG funds a priority in the conference.

Mr. WILSON. Mr. President, we are considering a $39.4 billion appropriations bill for the Departments of Labor, Education, and Health and Human Services. From job training programs for dislocated workers to AIDS and Alzheimer's disease research. From student aid funding to adult literacy activities. The Appropriations Committee has recommended funding increases for most Federal programs within this budget function.

I am particularly interested in the committee's funding recommendation for the Federal Preschool Grants Pro-

gram under the Education of the Handicapped Act. This program provides assistance to States to meet our goal of providing special education services to all disabled preschool children by the 1990-91 school year.

In California, for example, the Preschool Grant Program has enabled the State to provide a full range of developmental and related education programs to approximately 6,500 additional disabled preschoolers. For many of these children, early intervention will enable them to enroll in regular education programs by the time they reach the first grade.

Quite simply, Mr. President, what the program amounts to is opportunity. Opportunity, pure and simple. A disability in and of itself should not preclude anyone from full participation. If a disabled individual requires assistance to break down barriers to equal opportunity, equal access—full participation—we as a society should provide that assistance. Because in the end, we all benefit. We all win.

Therefore, it is in our best interests to provide sufficient funding for the Preschool Grants Program, without which many disabled children will become learning disabled pupils or develop more severe problems once they reach school age.

Accordingly, I have urged the Appropriations Committee on two occasions to recommend the fully authorized level of funding of $275 million for the Preschool Grant Program. From my understanding, the committee bill falls short of that mark by $25 million, but is nonetheless well above the House-passed funding level of $205 million. My purpose today is to urge my colleagues who will participate in the conference on the Labor/HHS/Education appropriations bill to hold firm on the Senate-recommended spending level of $250 million.

The funding level is of particular concern to California and many other States which have expressed reservations about the Federal Government's commitment to the program. A $250 million appropriation not only would reaffirm our strong support, but also would offer hope to thousands of disabled youngsters and their families across the country. Indeed, to appropriate a lesser amount would seriously undermine our efforts to provide equal opportunity for all Americans. Equal opportunity—I submit that is a goal we can all share. A goal we should support with Federal dollars.

Mr. CHILES. I concur with the junior Senator from California that this is a matter of utmost importance. While I cannot guarantee success, I am prepared to tell him that we will press hard for acceptance of the Senate mark in conference.

Mr. WEICKER. Mr. President, I could not agree more with the Senator from California. It is essential as he has stated that these youngest and most challenged of American citizens start life with every opportunity as early as possible. I agree that if we are to keep faith with the goal of real opportunity for them, the conference must accept the Senate funding level.

Mr. WILSON. I thank the distinguished floor managers for their reassurance. I yield the floor.

SUPPORT OF RURAL HEALTH CARE INITIATIVES

Mr. BAUCUS. Mr. President, I would like to thank my colleagues for their support and hard work in improving the Federal treatment of health care services to rural America. In particular I thank Senator DOLE and Senator BURDICK for their active leadership as cochairmen of the Rural Health Caucus in ensuring that rural health programs received the attention due them. Thanks are also due the Appropriations Subcommittee chairman Senator CHILES, and the members of the committee who are part of the rural health caucus. Each of these Senators has made great efforts to support adequate funding levels for these critically important initiatives.

For too long, Federal health policies and priorities have been set without adequate regard for the realities of rural life. As a result, many of those who live in remote, rural communities have paid a steep price for health care. In the last few years, we have made considerable progress toward making the delivery of rural health care services fairer and more accessible.

We still need stepped-up efforts to improve access to quality health care in the heartland. The few dollars spent on the National Health Service Corps, the title VII training programs for health professionals, the community health centers, and the emergency medical services demonstrations emphasizing projects serving rural families with medical crises—all these make a very big difference for the health of rural communities.

For many years, our Government has turned a cold shoulder to the needs of rural America. But there is more to rural America than farms and ranches. What we are talking about in rural America is preserving a fragile network of health care services. We must continue to push forward to make sure that the unmet health concerns of rural Americans are not overlooked. Maintaining quality health care is an essential ingredient in preserving the quality of life of rural communities.

These are tough times in rural America. Each day when we read the morning papers or look at the evening news we see clear, painful evidence of that. People in rural communities deserve better. Some things we can't change. But we aren't doing our jobs if we don't try to change what we can. Improving rural health care services is a small change we can make that makes a big difference. I ask my colleagues to join us in support of these initiatives.

Mr. President, I ask unanimous consent that a letter to the Senate Appropriations Committee from members of the Rural Health Caucus be included in the RECORD following my statement.

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

U.S. SENATE,
RURAL HEALTH CAUCUS,
Washington, DC, June 9, 1988.

Hon. LAWTON CHILES,
Chairman, Subcommittee on Labor, Health and Human Services, Education and Related Agencies; Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As members of the Senate Rural Health Caucus, we are writing to let you know about our strong support for the health programs that serve the millions of Americans who live in rural areas. We believe that the dollars invested now in rural health care will continue to pay back for years to come, and for generations of rural Americans.

One quarter of our population and one third of the nation's elderly live in rural communities. However, when it comes to health care, here is what we are up against:

The number of uninsured rural Americans is 15 percent higher than the U.S. average and a full 24 percent above urban levels.

Rural Americans have disproportionately higher rates of serious chronic illness, accidents, and disability.

Infant mortality rates are substantially higher than those in urban areas, and on the rise.

Accessibility to even basic, primary care service is being jeopardized by the combined pressures of an acute shortage of health care professionals, hospital closures, soaring professional liability expenses, and the overall stress on the rural economy.

The federal government traditionally has invested in a wide range of programs to increase the availability of quality health care in rural areas. In addition, Congress has recently increased the emphasis on rural health research and demonstration funding within the Medicare program and by the National Center for Health Services Research.

These programs have provided enormous benefits to rural Americans for the relatively few dollars invested. In many cases, they have provided the only source of quality health care services in sparsely populated areas.

For FY 1989, these are some of the priorities that we believe need to be addressed:

National Health Service Corps: The Corps continues to serve a vital role by placing health professionals where they are needed most. Last year, the Corps' federal loan repayment program was expanded and states were allowed to establish loan repayment programs with federal support. These new loan repayment authorities hold much promise for rural communities urgently in need of health professionals. We urge you to provide sufficient first-year funding for the loan repayment authorities so that this innovative concept is given a real opportunity to succeed.

Health Professions Training: We recognize the concern about the future supply and distribution in the United States of physicians, nurses, and other health profes-

sionals. However, in rural America, the supply lags far behind the demand for skilled health care providers. We recognize that these programs are a high priority and that the Committee has consistently supported them. We urge you to do so again this year. We also recommend that priority be given to proposals that emphasize rural health training.

Community and Migrant Health Centers: We support the continuation of full funding for community and migrant health centers and urge that sufficient funds also be provided to support National Health Service Corps placements to these centers. We also support the CHC infant mortality initiative and ask that funds be included for this important effort.

Emergency Medical Services Demonstrations: Funds are now provided to support 12 pediatric emergency medical services (EMS) demonstrations. For FY 1989, $3 million is needed to continue this important initiative which emphasizes projects serving rural families with medical crises.

Research and Demonstration Projects: Real progress is now being made to get accurate and current information on rural health care concerns and to develop innovative approaches to the delivery of care in remote areas. Funds included in the FY 1987 appropriations bill have been used to develop a comprehensive rural health research agenda. And we are encouraged by the President's request for $1.5 million to support several regional rural health policy centers. We need to move forward with the comprehensive research agenda by maintaining steady and stable funding in this vital area.

Rural Health Transition Grant Program: This program, based on an authorization from the Medicare Trust Fund, would help small rural hospitals to modify their facilities to ensure access to health care for Medicare beneficiaries. We urge you to appropriate the funds needed to implement this program.

We understand the stringent requirements that you face in determining funding priorities to help meet America's health care needs. We think that rural Americans need to be included in that agenda and we are prepared to help make the difficult decisions to see that they are.

We look forward to working with you as the Committee makes its decisions on the FY 1989 Labor, HHS, and Education appropriations bill.

Sincerely,

Bob Dole, Dave Durenberger, Chuck Grassley, Kit Bond, Strom Thurmond, Quentin N. Burdick, Max Baucus, Lloyd Bentsen, Tom Daschle, Jim Exon, Larry Pressler, John McCain, John Heinz, James McClure, Jack Danforth, Malcom Wallop, Dick Lugar, Richard Shelby, David L. Boren, Brock Adams, Sam Nunn, Paul Simon, Donald W. Riegle, Jr., Terry Sanford, and Daniel K. Inouye.

DATA COLLECTION ON THE INCIDENCE OF THE AIDS VIRUS

Mr. SASSER. Mr. President, it has come to my attention that the Subcommittee on Labor, Health and Human Services has specified in its report language with regard to Acquired Immune Deficiency Syndrome that $59,173,000 be earmarked for the family of surveys. Among other things, the funds included in the family of surveys allocation will be used for determining the seroprevalence of the AIDS virus in our population. In other words, this money is to determine how many people in our Nation have AIDS or carry the AIDS virus.

From this $59 million will come funding for surveys to be conducted in 30 metropolitan statistical areas to estimate the incidence of AIDS within these areas. Also within this amount is $5.7 million to expand the newborn HIV seroprevalence survey. The latter survey will estimate the prevalence of HIV infection in females only throughout the rest of the country. It is hoped that by properly assessing the incidence of AIDS and the AIDS virus among women, experts will be able to determine with accuracy the trends of AIDS infection throughout the entire population.

I feel that these surveys are of the utmost importance, Mr. President. Without accurate knowledge about the incidence of AIDS, not only within our Nation but within the population of our individual States, the Centers for Disease Control and Congress cannot make accurate determinations about how best to deal with the AIDS crisis.

My colleague, Representative JIM COOPER, was concerned that the amount of money specified for female surveys might not be adequate to assure proper surveying of the American population outside of the 30 statistical areas that receive the bulk of the funding under this provision. Consequently, he was instrumental in including language in the House AIDS research bill that would authorize additional data collection activities to insure that areas outside the main 30 metropolitan statistical areas are properly suveyed.

I am sympathetic to the intentions of my colleague, Mr. COOPER. But I am not going to offer an amendment to increase the allocation for surveys because I want to give the present survey structure a chance to work before I second guess it with my own proposal. I realize that the distinguished chairman, Mr. CHILES, selected the $14.3 million neonatal survey over the $22 million household survey that the administration advocated because of some specific reservations that he had about the latter, and I respect his judgment.

However, I would seek the assurances of the distinguished chairman that he will help me monitor the effectiveness of the female general population survey and that he will help me restructure this approach in the event that the female survey does not prove adequate in evaluating the incidence of AIDS in our society.

Mr. CHILES. I thank the Senator from Tennessee for raising the issue of funding for the family of surveys on AIDS. I agree with him about the importance of the accuracy of these surveys, particularly for the neonatal population survey that is funded for $14.3 million. Mr. SASSER is correct in saying that I deliberately chose this survey over the more expensive one recommended by the administration because of the testimony of several witnesses that questioned the validity of the administration's approach.

Nevertheless, should the neonatal survey prove inadequate in estimating the incidence of AIDS in our entire population, the Senator from Tennessee has my assurances that I will assist him in revisiting this issue at a later date.

Mr. SASSER. I thank the distinguished chairman and commend him once again for the excellent job that he has done with this year's Labor, HHS appropriation.

Mr. RIEGLE. Mr. President, I would like to engage the distinguished Senator from Florida [Mr. CHILES], in a brief colloguy regarding the title XX social services block grant.

The Senator from Florida has demonstrated a strong commitment to the people served by title XX. Title XX provides grants to the States to fund essential social service programs for children, the elderly, and disabled individuals.

An item was overlooked late last year during the final days of the fiscal 1988 appropriations cycle. After an extended battle, the Omnibus Budget Reconcilation Act of 1987 included a one-time increased authorization of $50 million for title XX in fiscal 1988. Inadvertently, the increase was not included as part of the fiscal 1988 continuing resolution.

Since title XX is an entitlement program, the Federal Government is obligated to provide States with the authorized level of funding. As the Senator knows, severe cuts in funding for this program during the 1980's have had dire consequences for these vulnerable populations.

Mr. CHILES. Mr. President, I thank the distinguished Senator from Michigan for sharing his views on this subject. I share his concern.

Mr. RIEGLE. I thank the Senator from Florida. Fiscal 1988 marks the first time since the creation of the social services block grant that funds were not appropriated at its fully authorized level. I trust that the Senator from Florida wishes to remedy this situation.

Mr. CHILES. The Senator is entirely correct. The $50 million increased authorization was part of the Omnibus Budget Reconciliation Act of 1987, and signed into law by President Reagan. At the time this authorizing measure was being considered in conference, appropriations decisions were also being made in a continuing resolution conference, based on previously en-

acted legislation. A supplemental would have therefore been necessary in any case, subsequent to the entitlement legislation being signed into law. The supplemental would be deficit neutral since the additional funds are already included in the Congressional Budget Office fiscal year 1988 baseline. I do agree that a title XX supplemental appropriation of $50 million for fiscal 1988 would be desirable.

Mr. RIEGLE. I thank the Senator from Florida, and commend him for his commitment to the children, elderly, and disabled persons served by title XX.

Mr. MURKOWSKI. Mr. President, the sexually transmitted disease [STD] chlamydia has replaced gonorrhea as the leading STD in the United States. According to the American Social Health Association, chlamydia is three times more common than gonorrhea and 30 times more common than syphilis. Left untreated, it can cause infertility, miscarriages, and infections in newborns.

Unfortunately, there is evidence to indicate the prevalence of this STD is even more widespread in my State. A study recently conducted in Alaska: "Unrecognized high prevalence of chlamydia trachomatis cervical infection in an isolated Alaska Eskimo population," by Dr. Kathleen Toomey, Dr. Michael Rafferty and Dr. Walters found that of the 493 women screened in Kotzebue, 23 percent tested positive for chlamydia.

Although chlamydia is both treatable and preventable through antibiotics, there is widespread concern among health experts that not enough has been done in this country to establish routine prevention, screening, and treatment programs.

Mr. President, I had originally intended to offer an amendment to this appropriations bill to specifically target dollars for developing and implementing chlamydia control programs.

However, in reviewing the committee report, I noted that STD's received more than a $5 million increase over fiscal year 1988 when most other programs are experiencing reductions, and the committee's report places a special emphasis on the need to establish chlamydia control programs. I will not offer my amendment if the bill managers will assure me that the committee intends the Center for Disease Control to put more commitment into developing and implementing chlamydia control programs.

Mr. CHILES. I can indeed assure the Senator from Alaska that is the committee's intention.

Mr. WEICKER. The Senator from Alaska raises a good point and is correct. That is the intention of the committee.

Mr. MURKOWSKI. I thank the managers of the bill and I urge the Senate to move quickly to pass this important legislation so that the urgent need for chlamydia control programs can be met.

COMMUNITY HEALTH CENTER APPROPRIATIONS

Mr. CHAFEE. Mr. President, community health centers have been a centerpiece in our efforts to provide health care services to the homeless. I had intended to offer an amendment to this appropriations bill to restore $31 million to the Health Care for the Homeless Program to bring it back up to its fiscal year 1987 funding level of $46 million. After talking with some of my colleagues on the Labor, HHS, Education Appropriations Subcommittee, I have decided against offering that amendment.

I understand that the 302(b) allocation received by the subcommittee was $600 million below what the budget resolution called for in these programs. Looking through the other programs under this appropriations bill, I was unable to find a fair and appropriate offset to restore funding to this program.

Nonetheless, the proposed funding level of $15 million for providing health care for the homeless would lead to a substantial reduction in this critical program unless it is changed. The Health Care for the Homeless Program was established in the 1987 as part of the Stewart B. McKinney Homeless Assistance Act. It is a grant program to provide primary health care, substance abuse services and mental health assistance to homeless people. Using fiscal year 1987 funds, 109 projects were funded in 43 States in 1988.

It is my hope that the chairman and ranking member of the Labor-HHS Appropriations Subcommittee will work to ensure that this critical program receives the funding it needs to continue its work.

Mr. BUMPERS. I want to join my friend from Rhode Island in expressing my support for this important program. The subcommittee simply did not have sufficient allocation available to provide adequate funding for the Health Care for the Homeless Program. We have a homeless problem in Little Rock and our applicant was denied funding under this program because the funds were not adequate to cover many worthwhile proposals. I understand there were 40 cities the size of Little Rock that had the same problem.

While the proposed $15 million appropriation for this program is slightly more than the level approved for fiscal year 1988, the fact is that it is $31 million below that approved for fiscal year 1987. The reason that the fiscal year 1988 appropriation level was so low is that the program was still in its beginning stages and had money to spend from the fiscal year 1987 appropriation.

Now that the program is up and running on the regular appropriation cycle, the level proposed by the subcommittee would result in a substantial decrease in services to the homeless.

I join the Senator from Rhode Island in supporting increased funding for health services for the homeless. I will certainly support efforts during conference to increase the appropriation for this critical program, but I note that an increase will be difficult because of the subcommittee's limited allocation.

Mr. CHILES. I appreciate the concern of the Senators from Rhode Island and Arkansas for this program. Their assessment of the difficult problems our subcommittee had in developing this bill is correct. Our subcommittee had limited dollars to spend on many competing priorities. In addition, the Health Care for the Homeless Program has not been fully reauthorized yet this year. Although we did provide an appropriation slightly above its fiscal year 1988 level, I understand the explanation of my colleague from Arkansas.

I will work during the conference to ensure that proper consideration is given to this program. If funding is available, this program will be one of my priorities.

Mr. WEICKER. I also appreciate the concern of my colleagues from Rhode Island and Arkansas for this critical program. As he correctly noted, the health care for the homeless reauthorization bill was unanimously approved by the Labor and Human Resources Committee with full bipartisan support and has been passed by the Senate. The reauthorization bill calls for continuation of the 109 programs currently funded using the fiscal year 1987 appropriation of $46 million as well as to allow for some new startup programs. Unfortunately, we were unable to provide for this level of funding in the Labor, HHS, education appropriation bill as our subcommittee received a 302(b) allocation which was $600 million below that called for by the budget resolution.

I certainly would support the Senator's call for additional funding and will work toward that end in the conference committee.

STATE AND LOCAL COUNSELING, TESTING AND PARTNER REFERRAL ACTIVITIES

Mr. SIMON. Mr. President, I commend my colleagues for their fine work on this appropriations bill. Given the allocation limitations and the significance of the programs appropriated in H.R. 4783, yours has not been an easy task. I understand that the committee has allocated $102,376,000 to the Centers for Disease Control for the State and local counseling, testing and partner referral activities, is that correct?

Mr. CHILES. That is correct. It is the amount requested by the President.

Mr. SIMON. And it is my understanding that the $102,376,000 will allow the CDC to operate at 50 percent implementation of the voluntary testing and counseling program and that State, local, and private funds are being used to supplement the Federal effort. Is that your understanding as well?

Mr. CHILES. The distinguished Senator is correct. It is a substantial increase over the $26 million appropriation for fiscal year 1987.

Mr. SIMON. And I applaud the committee for recognizing the need for that increase. I am told by the CDC that they received State requests in the amount of $165 million for those $26 million. There is a tremendous need for increasing the capacity of our voluntary, confidential testing and counseling program. People who know they have AIDS, as a general rule, do not spread the virus. But people who do not know that they are seropositive, that is the danger. And when people seek out the testing and counseling centers, they ought not to be told that there is a 1-week or 1-month or 5-month wait. We ought to be doing everything we can to prevent the spread of AIDS in all communities and this testing and counseling program is critical.

Mr. CHILES. If the Senator will yield, is my colleague aware that 1987 was a pivotal year with regard to AIDS testing and that the waiting lines that the Senator refers to have been substantially reduced?

Mr. SIMON. The Senator is aware that as a result of the increased State efforts, the waits at the existing centers are less. But I do not think that those decreases tell the whole story. For example, Chicago has two alternate testing centers, one on the near north side and one downtown. Additionally there is one pay clinic on the far north side. And indeed, as my colleague has pointed out, the waiting period has been reduced. But neither of those centers is serving the entire Chicago area. There is no access for our minorities on the northwest and far south sides, there is no access for those in the western suburbs. There is limited access for IV drug users, for black and hispanic men and women, for other high-risk populations. It may be true that the centers in Chicago are meeting the needs of those neighborhoods, but not the needs of the high risk populations throughout Chicago.

Mr. CHILES. I share the Senator's concerns about the access to these services in the city of Chicago. With the substantial increase in funding provided in this measure, I am hopeful that some of the access problems in Chicago will be resolved.

Mr. WEICKER. The Senator's point is well taken. I share his interest in expanding the counseling and voluntary testing program. But public health experts have told us that confidentiality and protection against discrimination are vital components of any voluntary testing and counseling program. I know the Senator from Illinois is aware that authorizing legislation has been introduced in both the House and Senate to provide these protections with expanded voluntary testing and counseling. The Senator has been very supportive of those authorizations and I believe he appreciates the need for the provisions.

Mr. SIMON. The Senator is correct and I am committed to enacting that authorizing legislation. But I do not want the centers and the availability of counseling and testing to languish during our political debates of the issue. Do I have the assurances of the two Senators that they will closely monitor the program?

Mr. CHILES. The Senator has my assurances that the committee will continue to closely monitor this program.

Mr. WEICKER. The Senator from Illinois has my assurances as well.

Mr. SIMON. I believe that the funding level in the committee's recommendation should be perceived as an absolute minimum funding level. I seek the committee's assurances to do all that it can to maintain that minimum level in conference and hope that once an authorization bill has been signed into law, we can significantly increase the funding for the voluntary testing and counseling centers.

Mr. CHILES. The Senator from Illinois has my assurances that I will do all that I can.

Mr. WEICKER. Once again, my assurances to the Senator and my thanks to him for raising his concern at this time.

Mr. SIMON. I thank my distinguished colleagues for their support and cooperation.

CDC HEALTH STUDY

Mr. ADAMS. Mr. President, if the distinguished chairman of the subcommittee will yield for a question, my colleague from Oregon, the ranking member of the Appropriations Committee, Senator HATFIELD and I would like to clarify the subcommittee's intentions concerning a provision in the House bill which was not included in the Senate committee's version of this legislation. The provision I refer to provide $1.5 million and three full-time equivalents for the Centers for Disease Control to initiate an epidemiological study of the health effects resulting from releases of radioactive iodine from the Federal Government's Hanford Reservation during the 1940's and 1950's. The information concerning these releases was not made available to the public until 1986 and subsequent analysis by independent analysts including staff at the Centers for Disease Control [CDC] indicates that there is likely to be significant health consequences to the population living in the vicinity of the Hanford Reservation. I share the concern of a number of people in Washington and Oregon that the CDC begin this study as soon as possible.

Mr. CHILES. I would be pleased to respond to the Senator from Washington. I am well aware of his concerns and I assure him that it was not the committee's intention to limit this study. The committee was simply unable to include all of the funds provided for the Centers for Disease Control by the House because of our smaller budget allocation. I know that the Senator and my colleague on the Appropriations Committee, Senator HATFIELD, are extremely concerned about the possibility of health problems arising from these long undisclosed releases for Hanford. I assure both of you that we will make every effort to give this matter favorable consideration in conference with the House.

Mr. HATFIELD. If the distinguished Senator from Florida will yield further, the subcommittee chairman is correct that the Senate budget allocation did not allow the Appropriations Committee to provide as much funding for the Centers for Disease Controls desired by those of us on the committee and as provided in the House bill. I want to thank him for his assurances that the committee will make every effort to give this matter favorable consideration in conference and I join with my colleague from Washington in supporting this study. It is clear that the Department of Energy and its predecessor agencies have simply not been as forthcoming or as responsible as they should have been when it comes to monitoring and reporting the releases of radioactive materials from their facilities. It is absolutely imperative that a credible, independent entity such as the Centers for Disease Control be brought in to study effects of the historical releases of radioactive iodine from Hanford.

Mr. CHILES. I understand the concerns of both Senators and look forward to working with them during the conference process to make sure their interests are addressed.

Mr. WEICKER. Mr. President, I agree with the remarks made by the Senator from Florida and I also wish to assure the Senator from Washington and the Senator from Oregon that I believe the CDC study included by the House has merit and that it will be given every consideration in conference.

OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

Mr. BINGAMAN. Mr. President, I rise to draw the attention of the chairman of the Subcommittee on Labor, Health and Human Services and Education appropriations to one of the many important education programs funded under the House-passed version of the Department of Labor, Health and Human Services, Education, and related agencies appropriations bill, 1989.

Last year, I sponsored legislation to reestablish within the Department of Education an Office of Comprehensive School Health Education. This office would coordinate and carry out health education and physical fitness programs throughout the Nation's schools. Major provisions of my legislation were incorporated into H.R. 5, the Hawkins-Stafford Elementary and Secondary Education Improvement Act, which President Reagan recently signed into law.

The need to fund such an office is critical. In recent years, as technology and economics have led us into a more competitive global society, we have come to realize the importance of higher education, and mental fitness and improvement. We must also realize that physical fitness and physical improvement are equally important. Unfortunately, many of us do not.

Indeed, we are our own worst enemy. Half the deaths in this country are related to lifestyle. Heart disease, obesity, drug abuse, alcoholism, and poor nutrition are all rooted in the way we choose to live.

Even worse, the AIDS epidemic spreading in the adult community today will filter down to our young people unless education and prevention of this disease is included in some form in our schools. Indeed, the Presidential Commission on the AIDS Epidemic, in its recently submitted report, recommended that every school in the Nation should have comprehensive school health education programs implemented by the year 2000. The Commission cited the comprehensive school health education provisions of H.R. 5 as a positive way to help school systems develop critically needed health and physical education programs.

But communicable disease is not our only enemy. Nationwide, the physical fitness of our children is sorely in decline. George Allen, Chairman of the President's Council on Physical Fitness and Sports, calls the lack of youth fitness "the best kept secret in America today."

A recently published report in the Journal of Physical Education, Recreation and Dance indicates that only one-third of the first through fourth graders surveyed take a physical education class daily and that children today watch four times as much television as they spend in physical education classes. Most alarming, the report states that as many as 50 percent of our children are not getting enough exercise to develop healthy hearts and lungs.

I strongly believe that our best weapon against these unfortunate lifestyle trends is to institute comprehensive health and physical education curricula in our schools. Unfortunately, most schools have failed to do so. It is for this reason that I introduced legislation to reestablish a Federal office of school health education.

Physical fitness and health education must be as much a part of our children's core studies as math, science, and reading. A Federal office on school health education could help accomplish this by encouraging and supporting State and local programs that stress physical health, well being, and disease prevention as a part of the regular education program. Also, and importantly, the office would work with other Federal agencies to coordinate school health and physical education programs and to provide these programs with up-to-date Federal information.

The state of our children's health is sorely in decline, and our schools do not seem to be stemming the downward slide. I believe the establishment of an Office of Comprehensive School Health Education within the Department of Education is critically important to our children and to this country's future.

Mr. CHILES. I thank my friend from New Mexico for calling my attention and the attention of the Senate to this important initiative. I understand that funding for this program has been provided in the House-passed version of the bill at the level of $4 million. I realize that the Senator from New Mexico worked diligently to have this program included in the recently enacted reauthorization of the Elementary and Secondary Education Act. However, as my friend from New Mexico is aware, our overall section 302(b) allocation prohibited the subcommittee from funding many meritorious new initiatives. Since there is funding for this initiative in the House bill, I can tell my friend that I will do my best when we consider funding for this program in conference.

Mr. BINGAMAN. I thank the chairman for his diligent work on this important bill and for his assistance today.

Mr. HARKIN. Mr. President, I would like to take this time to say a few words about my colleague from Florida and about this appropriations measure we are working on today. LAWTON CHILES has had the very difficult task of balancing the demands of thousands of constituents, interest groups and Senators—all within an extraordinarily constrained subcommittee allocation. He has performed that task with uncommon craft and diplomacy.

As a member of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, I have found working on a spending bill for fiscal year 1989 a very frustrating experience. The subcommittee's allocation was simply too small to meet all of the needs. But throughout this exacting task, the chairman has remained, as always, a gentleman in the face of exacerbating demands and he has delivered a bill that I think most all of us can stand behind. He has done the best job anyone could in making the most of available resources. I am personally sorry he is retiring this year. I will miss his clear thinking and steady hand. I would also thank Senator WEICKER for his continuing strong support and defense of the defenseless. He has provided great backership on this bill.

I would also like briefly to thank the subcommittee staff. In particular, Mike Hall, the staff director, and Nancy Anderson, Jim Sourwine, Mary Malaspina, Peter Rogoff and Susan Quantius. I also want to thank Maureen Burns and Terry Muilenberg of the minority staff. Their vast knowledge, candor and accessibility make our job a great deal easier than it might be. I have very much enjoyed working with, and learning from them. Thank you all.

Mr. President, there are just a few particulars of this bill on which I'd like to comment. First, as chairman of the Labor and Human Resources Subcommittee on the Handicapped I would like to thank Chairman CHILES for his attention to programs under this bill directed toward Americans with disabilities. The recommendations contained in this bill, considerably higher than those of the House, are clearly justified in both humanitarian and economic terms, and will enhance our ability to assist the over 36 million disabled individuals in the United States become independent and productive members of society.

I am also pleased that in a year of relative austerity we have been able to provide nearly a $262 million increase for chapter 1 grants to local educational agencies. This will mean a great deal to the State of Iowa and the youngsters served there. In this whole budget—I mean in all of our appropriations bills—I can think of few programs that should be of higher priority to this body than those that serve to educate our children. Again, I thank the chairman for his efforts in this area.

Right alongside education as a high priority are the numerous health programs included in this bill—I can touch only on a few of the highlights.

The bill contains $133.7 million to support activities associated with finding the cause of, a cure, and better treatment methods for Alzheimer's disease. It provides a $24.6 million increase for community health centers, and a total of $62.7 million for assistance for homeless persons. We've included an additional $65.3 million for immunization activities next year—a significant improvement, although still far short of what is needed. Funding for activities associated with research on and treatment of alcoholism has been increased by $23 million for a total of $109 million.

Several rural health initiatives have been added to the bill, most directed toward assuring the viability of rural hospitals. Most notable is inclusion of $15 million for rural hospital transition demonstrations. With these moneys, rural hospitals will be able to experiment with modifying their service mixes, enhancing their transition into other types of health care providers.

Of great personal consequence to me is the inclusion in this bill of $96.1 million to fund the new National Institute on Deafness and Other Communication Disorders [NIDOCD]. I've worked very hard over the past year for creation of this Institute, as has my friend on the House side, CLAUDE PEPPER, and I take tremendous pleasure in seeing the dream become a reality. For the 28 million Americans suffering from communication disorders—a number of expected to increase sharply as the population ages—this Institute offers new hope. It will bring together a wide range of professionals, galvanize their abilities, give focus to their work, and give visibility to the needs of the deaf and speech impaired population.

The $961.1 million proffered for NIDOCD is derived almost exclusively from a shift in funds from the old National Institute on Neurological and Communicative Disorders and Stroke, under whose auspices research on communication disorders has been conducted in the past. It represents the bare minimum necessary for operation of the new Institute, but in light of the subcommittee's allocation is an acceptable appropriation. I'm deeply appreciative of the support Chairman CHILES has lent this project.

One notable shortfall in this bill is the reduction in funding for the Low-Income Home Energy Assistance Program [IHEAP]. Losers in this process such as LIHEAP, in another situation—say were we given the meaningful choice between funding LIHEAP versus sending more money to the military—would win. But that's not how it works. And looking within the subcommittee, there is simply not room for cutbacks of the magnitude necessary to bring this program up to its 1988 level. I will be supporting my colleague and friend from Connecticut, Senator WEICKER, when he moves to waive the budget act to allow the restoration of LIHEAP funds and hope that I'll be joined by the necessary number of my colleagues.

I want once more to thank Chairman CHILES for the time and effort he has put into this bill. The numerous days of testimony through which he sat, and the hours of planning by both him and his staff have paid off. Thank you.

Mr. MOYNIHAN. I understand that the subcommittee has given a high priority in its bill to research into the perinatal transmission of AIDS.

Mr. CHILES. That is correct. The transmission of AIDS from a mother to her unborn child is one of the most tragic outcomes of the AIDS epidemic. We want to do all we can to understand how this transmission occurs and what we can do to prevent it.

Mr. MOYNIHAN. I have learned of a most worthy research project that is being conducted at the SUNY Health Science Center in the area of perinatal AIDS transmission. The project recruits pregnant women who have tested positive for AIDS and then tracks them through childbirth to determine the rate of seroprevalence among their infants. It is my understanding that this is the type of project that the subcommittee intends to be given high priority in the competitive awarding of research grants by the National Institutes of Health and the National Institute on Drug Abuse during fiscal year 1989.

Mr. CHILES. The Senator from New York is correct. There are many unanswered questions about the rate of perinatal AIDS transmission, and the subcommittee would consider that a high-priority area of research.

TRANSFER OF FUNDS FROM CHAPTER 2 TO THE FUND FOR INNOVATION IN EDUCATION

Mr. LAUTENBERG. Mr. President, I would like to take a moment to thank the chairman and members of the full Appropriations Committee for having accepted my amendment to provide in the Senate bill $5 million in new moneys for the fund for innovation in education. This amount, coupled with the transfer of $4.5 million in unobligated funds from the Excellence in Education Program, signals the Senate's commitment to education excellence and innovation. I hope that the conference committee will provide an adequate startup for the fund, with at least $5 million for computer education programs.

Because the Labor-HHS-Education bill was at its allocation ceiling when it came before the full committee, it was necessary to offset any increase in one program by a dollar-for-dollar reduction in another. My amendment transferred the $5 million for the fund from the chapter 2 block grant, which supports similar activities of education innovation by State and local education agencies. I would like to clarify a couple of matters concerning this transfer and the intent of the accompanying report language.

As the chairman knows, the choice of the block grant as the source of $5 million for the fund was not intended to reflect lack of support for chapter 2. I hope that the conference agreement reached will be at or close to the higher House level for the program. In addition, the committee report language recognizes that the authorization permits States to retain up to 20 percent of chapter 2 funds for administration and statewide activities. The committee's expectation expressed in the report language that States would provide no less than $383,000,000 directly to local districts underscores the chapter 2 provisions in the Hawkins-Stafford education amendments for State support for effective schools. This language is intended to reflect the thrust of the new authorization, rather than supercede it.

Mr. CHILES. Thank you, Senator. I appreciate your remarks and this clarification of the committee report language.

Mr. WILSON. Mr. President, I rise today in support of H.R. 4783, the Department of Labor, Health and Human Services, and Education and Related Agencies appropriations bill of 1989. I want to congratulate Chairman STENNIS and Senator HATFIELD, Subcommittee Chairman CHILES, and Senator WEICKER, along with the distinguished members of the committee, for delivering this bill which I know required long hours of hearings and deliberation, and which ultimately required committee members to make some very difficult decisions.

No Senator looks forward to drawing the tough and delicate line between competing life and death priorities. This subcommittee must provide enough funding to continue our war against AIDS while making sure that we do not shortchange the equally as important efforts of continuing our battle to understand and cure Alzheimer's disease, protecting the health of our Nation's very young and very old citizens, pushing the edge of our understanding of mental illnesses such as schizophrenia and depression, developing a responsible and competitive strategy for the growing field of biotechnology, and all the while working to eliminate the shortage of the nurses who must care for each of us in times when we become sick with AIDS, Alzheimer's disease, mental illness, or other afflictions. This subcommittee literally must make life and death decisions while still ensuring, with the same pot of money, that we have provided our children with a quality education and that our citizens

have jobs so they can live with dignity and independence.

I think the committee has done an excellent job, and I would like to draw attention to what I consider particularly important provisions in this bill and perhaps mention a few areas where I hope the conference committee will reevaluate the Senate's funding levels, for example in the case of LIHEAP.

This bill includes $1.2 billion for research, prevention, information, and education for AIDS programs, an increase of $10 million over the administration's request and $10 million over the House's funding level.

In addition to this $1.2 billion, the Federal Government will spend another billion dollars on AIDS treatment, testing, and research through the Public Health Service, Medicaid, Medicare, Social Security, and the Departments of Labor, Defense, State, Justice, and the Veterans' Administration. That means we will spend over $2.2 billion to fight AIDS in fiscal year 1989.

The Center for Disease Control currently estimates that approximately 1.5 million Americans carry the AIDS virus. Tragically, 59,491 AIDS cases to date have been diagnosed, and 33,280 people have died, many of whom are Californians.

As a sponsor of the legislation which resulted in the President establishing his Presidential Commission on AIDS, and as a cosponsor of S. 1220, I have joined with many very concerned Senators to make sure that we accelerate the effort to quickly, efficiently, and permanently fight the deadly disease of AIDS. This appropriations bill moves us further toward achieving that goal.

I was delighted that the committee paid particular attention to the unique health care needs of different segments of our population, young and old. In order to protect the health of our Nation's elderly citizens, the bill increases funding for the Administration on Aging, for Health Care Services in the Home—a grant program to States for demonstration projects to identify and assist individuals who could avoid institutionalization if home health services were made available—for university-based long-term care gerontology centers, for frail elderly in-home services, for home-delivered meals and nutrition programs, for the training of geriatric health care specialists, for grants to eligible Indian tribes to provide services to older Indians, and very importantly for finding a cause, cure, and better treatment methods for Alzheimer's disease.

In order to protect the health of infants, the bill funds the National Commission to Prevent Infant Mortality and increases fiscal year 1988 funding by almost $700,000 to $20 million for the Infant Mortality Initiative—a program which provides services to high-risk, low-income pregnant women. In recognition of the unique emergency care needs of children, the committee included $3 million for the Pediatric Emergency Medical Services Program. And to protect our children from the danger of such diseases as rubella, bacterial meningitis, and measles, the committee increased funding for immunizations to $163 million, almost $65 million over the fiscal year 1988 level.

This increased immunization funding level is of particular importance to the majority of States nationwide who have experienced a shortfall in their fiscal year 1988 Federal immunization funds. I am particularly grateful that the committee recognized the need to ensure adequate funding for fiscal year 1989. This year, California has experienced a shortfall of $1.3 million in Federal funds for immunizations. This number could climb to $3 million by the end of California's fiscal year. The State has had to use its own scarce funds to make up the difference in order to ensure that all the children who need vaccines get them. This burden falls particularly hard on California, as the State struggles to meet other health care needs for its infants and children and to cope with the enormously burdensome costs of uncompensated care which threaten the State's hospitals, particularly the emergency care networks and trauma care centers. With California Medical Center, Good Samaritan Hospital, Palomar Hospital, and many other California hospitals scaling back or closing their emergency care centers, California cannot afford to lose precious State funds due to underfunded Federal programs.

Of course, one appropriations bill cannot solve all of our national health dilemmas, nor should it. Problems such as keeping open the doors of our Nation's trauma care centers, ending the nursing shortage, or providing affordable long-term health care coverage to all Americans who want it, require both public and private solutions and cooperations between Federal, State, and local leaders. I am pleased that this bill includes funding for a U.S. Bipartisan Commission on Comprehensive Health Care, a Commission established by the new Medicare catastrophic coverage law, of which I was a cosponsor. The Commission will make recommendations to Congress on how we can ensure long-term care services and adequate health care to all Americans and on the most effective and efficient roles for Government and the private sector in promoting and assuring Americans access to quality health care.

I, along with Senator DOLE and DURENBERGER, have sponsored S. 1738, a long-term care bill which would allow the Office of Personnel Management to offer optional nursing home and home health care coverage to Federal employees who want it—and at no cost to the Federal Government. OPM would allow all Federal employees, regardless of their health status who have reached the age of 50 and participated in the Life Insurance Program [FEGLI] for 10 years, to convert their life insurance to long-term care insurance. OPM would also make coverage available to spouses, although the employee would pay the full costs of the premium.

Not only will OPM's proposal ensure that Federal employees have access to long-term health care coverage, but it will play a very important role in helping Congress make affordable, quality long-term care coverage available to the many Americans who need it. A pool of 3.1 million active Federal workers offers a tempting incentive for insurance carriers to develop a competitive long-term care insurance program. To date, only 4,000-6,000 long-term care insurance policies have been sold to individuals and groups. Ninety percent of Federal employees participate in OPM's life insurance program and 655,000 of those employees immediately would be eligible for long-term care coverage when S. 1738 becomes law. This proposal alone could double the number of people in this country who currently hold long-term care insurance.

But, just as importantly, by taking the lead to create a market in this area, the Federal Government can create a long-term care "domino effect." More insurance carriers will enter the market in order to compete for the OPM contract. In order to win this competition, insurers will have to offer greatly improved insurance packages, both in terms of price and quality. As the prices come down and the quality goes up, State and local governments and large employers like the University of California, General Motors, and United Technologies will gain an incentive to provide a new or convertible long-term care benefit, similar to OPM's, to their employees. And as more large employers begin to supply this kind of coverage, the prices should drop once again, eventually letting smaller employers and individuals enjoy the benefits of this long-term care competition. Of course, this approach will not reach everyone in need of long-term care coverage. However, while Congress labors over how to help those individuals suffering right now because they did not have the opportunity to plan ahead for their long-term care needs, we, with OPM as a catalyst, can do a great deal to make sure today's workers and perhaps even today's retirees do not find themselves in that same awful situation as they grow older.

I am certain that as this new bipartisan Commission explores private sector alternatives for providing Americans with long-term care coverage, they will agree that OPM has come up with a very sound and effective idea which will unquestionably help us to expand the private sector role in furnishing long-term health care coverage. I am proud to have Senators MITCHELL, PACKWOOD, GRAHAM, INOUYE, and KASTEN as cosponsors, and I hope that the Senate will pass S. 1738 this year so the Commission can study OPM's progress in implementing this new coverage and gain a greater understanding of the role the private sector can play in meeting this urgent need.

The private sector has taken the lead in advancing our ability to provide revolutionary and quality health care in many important areas. The U.S. biotechnology industry, which grew out of private industry and this country's premiere academic institutions, makes new progress every day. I'm proud to come from the State which leads the Nation in biotechnology. California has more research labs than any other State and spends the most money on research and development, and receives fully 21 percent of all research funding.

This appropriations bill, combined with the excellent provisions of the newly passed Biotechnology Competitiveness Act of 1987, of which I was a cosponsor, will go a long way to help this country keep its competitive edge over Japan in biotechnology and help us responsibly and ethically discover new ways to treat disease, feed our citizens, and protect our environment. This bill directs NIH to use its newly established National Biotechnology Policy Board to review and appraise the programs and activities of the Federal Government and private industry relating to biotechnology and to make recommendations to the President and Congress on biotechnology policies. Out of concern for the important social and ethical questions raised by biotechnology, the bill directs the National Biotechnology Policy Board and the Advisory Panel on the Human Genome to forward all reports to the Congressional Biomedical Ethics Board for review. And recognizing that the enormous growth of the biotechnology industry has resulted in a shortage of expert personnel in the many biotechnology fields, the bill directs that the National Institute of General Medical Sciences undertake a new biotechnology-based research training program focusing on the applications of engineering, physics, chemistry, mathematics, and biology to interdisciplinary biomedical research training. This program will add 1,500 American scientists to this country's "biotechnology brain trust."

On top of these initiatives, the Division of Research Resources will receive $367 million to fund such programs as; the Biomedical Research Technology Program—a program which identifies, develops, and provides access to the advanced technologies needed in biomedical research—the Biomedical Research Support Program—a program which advances and strengthens the biomedical research programs of academic and scientific institutions—and the Minority Biomedical Research Support Program—a program designed to increase the number of minority biomedical scientists. This bill also adds $17.3 million to the National Institute of General Medical Sciences for the establishment of the Advisory Panel of the Human Genome.

Finally, the National Library of Medicine will receive funding, at the full amount requested, for the National Center for Biotechnology Information. These funds will pay for information systems in human, animal, and plant molecular biology, biochemistry, and genetics; and will promote cooperation and prevent the duplication of research efforts between the private sector and Government sources of biotechnology information.

While we struggle through this bill and others like it to keep pace with the rapidly expanding biotechnology industry we must at the same time struggle to prevent the debilitation of one of the Nation's most important professional groups—nurses.

With RN vacancy rates rising from 4.4 percent in 1983 to 11.3 percent in 1987, with 76 percent of all hospitals reporting a nursing shortage, 19 percent calling that shortage severe and with hospitals closing beds due to their inability to fill vacant nursing positions, Congress and the private sector must move ahead as quickly as possible to find both short-term and long-term solutions to end this growing crisis.

In order to address the short-term need for nurses, I have joined with other Senators to urge INS Commissioner Alan Nelson to extend the H-1 visa status for foreign nurses. In California, of the estimated 4,600 foreign nurses, about 1,000 had reached the 5-year limit of their visas. The health care community simply could not have absorbed the shock of losing all these nurses at once, and I am grateful to Commissioner Nelson for granting that 1-year extension. Just this month, I sent another letter to the Commissioner urging that INS consider granting extensions again next year. Unfortunately, this approach simply puts a band-aid on the problem while we debate more lasting and appropriate long-term solutions.

Recent declines in admissions, enrollments, and graduations from nursing programs suggest that the future RN supply will be problematic. This appropriations bill begins the long-term effort to remedy the nursing shortage by including $17.5 million for advanced nurse training—a program which provides institutional support through grants and contracts to nursing schools to strengthen and expand graduate nurse training at the masters and doctoral level leading to the development of clinical nurse specialties, teachers, administrators, and supervisors, including a special focus on increasing the supply of mental health-related trained nurses and Asian-American nurses.

Other funding for nursing education includes $13 million for the Professional Nurse Traineeships Program, $2.7 million for Nurse Demonstration Programs, $9.5 million for nursing special projects for fiscal year 1989, and $1.1 million for nurse faculty fellowships.

The bill also includes an appropriation of $28,107,000 for the National Center for Nursing Research to undertake initiatives which explore alternatives for ensuring the retention of nurses in the profession.

Congress still has a long way to go in this area, and so does the private sector. The private sector can help to redress this nursing shortage problem by addressing chronic problems such as low average salaries and compressed salary ranges, difficult working conditions, lack of nurse autonomy, and a poor professional image.

Finally, I wanted to mention that I am concerned about the level of funding for LIHEAP and I know that Senator WEICKER will address this important issue at length, so I will defer to him.

And I am also concerned that this bill funds the Health Care for the Homeless component of the Stewart B. McKinney Homeless Assistance Act at $15 million. This year the Senate reauthorized the provision of health care services to homeless people for an additional 3 years at a funding level of $61.2 million annually. Nonetheless the bill only recommends $15 million; that's a two-thirds cut over the 1987 funding level of $46 million.

California receives 14 of the 108 McKinney grants provided nationwide. Five of these grantees are in California health departments. Alameda County, the counties of Sacramento, Santa Cruz, and Santa Barbara have recently implemented new McKinney Homeless Health Care Programs. These programs provide health care services such as mobile and clinic-based primary medical care, 24-hour alcohol and drug program services, and infant and maternal care.

According to the National Association of Community Health Centers, if the House-Senate Appropriations Conference Committee does not settle on a

higher number, close to two-thirds of these 108 programs probably will shut down and 262,000 of the 400,000 homeless people it serves will lose health care services. With somewhere between 1 and 2 million homeless people this program can hardly afford to experience such a severe reduction.

By passing the Stewart B. McKinney Homeless Assistance Act of 1987, a measure I supported, the Federal Government made a commitment to the providers of this very important service who, in good faith, raised the 25 percent matching funds required by the act and set up programs to help the homeless. With such a severe cutback in funds, we stand to lose the ability to provide health care in the flexible way which makes sense for the homeless population, and we waste taxpayers money by not protecting the investment made in 1987.

The Alameda County Health Care for the Homeless Program tells a story which persuasively argues the merits of protecting Congress' original commitment to this important Homeless Health Program. Results of a laboratory test ordered by a nurse practitioner revealed primary syphilis in a 23-year-old homeless woman who was 6 months pregnant and had received no prenatal care. Although the mobile health van team made a referral for prenatal care and made transportation available, the patient never showed up at the clinic. When the nurse practitioner called the shelter to locate this young woman, she learned that the patient had left for another residence. Eventually, the woman was found. Her syphilis was treated and she received ongoing prenatal care at a community clinic. Through Alameda County's program, we were able to protect the health of a young woman, and also the health of her unborn child. If the mother's syphilis or other health care problems had caused severe illness or disability in her child, not only would an avoidable tragedy have occurred but the cost to State, local, and Federal agencies could have been enormous.

Since the House Appropriations Committee has deferred making its funding recommendation for this program until they receive the relevant authorization bills, I hope this issue will work itself out during the House-Senate Conference.

Once again, I congratulate this committee for its fine bill.

FUNDING FOR JOB CORPS CENTERS

Mr. DOLE. Mr. President, this fiscal year 1989 Labor-HHS-Education appropriations bill contains $736,135,000 for the Job Corps Program. This figure represents an increase of $20 million more than the 1988 level and an increase of $25,540,000 above the President's budget request.

This program provides severely disadvantaged young people between ages 16 and 21 with basic education, vocational training, and other job skills, as well as medical support and other services. All this is provided in a primarily residential setting. This type of training gives young men and women opportunities they would not otherwise have, given their economically disadvantaged background. The specialized services are geared to help young people find jobs, once they have attained some basic skills.

FUNDING FOR NEW CENTERS

Mr. President, many States do not yet have a Job Corps Center. In fact, my home State of Kansas is one of these. I am pleased that the fiscal year 1989 appropriations bill has earmarked $12 million to begin the acquisition and construction of six new Job Corps Centers. In locating these new centers, the Labor Department is directed to give priority consideration to those States which currently do not have existing centers. This means that Manhattan, KS, has a very good chance of being the site for one of these new centers. Several years ago, a site selection committee chose Manhattan as the location for a Kansas Job Corps Center. With the passage of this bill, this new center is a step closer to becoming a reality.

NATIONAL STUDENT LOAN DATA BANK

Mr. SIMON. Mr. President, I want to commend the senior Senator from Florida for the leadership he has exhibited as chairman of the Labor, Health and Human Services and Education Subcommittee and the contributions he has made in the education area. He has been especially supportive of the title IV, student financial assistance programs and the trio programs. As the Senator knows, I have raised with him several concerns regarding certain provisions contained in H.R. 4783. We have made every effort to resolve the disagreements I raised in my June 19, 1988, letter, and I appreciate his cooperation and the cooperation of the subcommittee staff.

Mr. CHILES. I thank the gentleman from Illinois for his willingness to work with the Senator from Florida to try and resolve our differences.

Mr. SIMON. I do want to clarify, with the chairman of the subcommittee, our understanding of the impact of the language on page 63 of the bill. That language would appear to require the Committee on Labor and Human Resources to modify certain restrictions prior to implementation of the national student loan data system, authorized by section 485B of the Higher Education Act. As I have indicated to the chairman of the subcommittee, the restrictions contained in section 485B(c) were adopted by the Committee on Labor and Human Resources with the understanding that once the national student loan data system was operative, the restrictions could be deleted and the data system used to assure that student borrowers do not borrow in excess of the annual or cumulative loan limits, or borrow again following a previous default on a guaranteed student loan [GSL], Perkins loan, or other federally subsidized or guaranteed loan.

As the author and chief sponsor of the data bank provisions during reauthorization of the Higher Education Act in 1986, I am strongly committed to its implementation. However, I do not want to have the attempt to use the data system for the purpose of catching so-called double-dippers to cause the GSL lending system to grind to a halt and disrupt the college educations of 3.5 million GSL student borrowers.

Mr. President, as I now understand the amendment on page 63 of H.R. 4783, the chairman intends to give the Committee on Labor and Human Resources the latitude to determine when repeal of section 485B(c) will occur, but that the funds provided to establish the system will be made available immediately to the Department of Education. Is that, my friend, the gentleman from Florida's understanding?

Mr. CHILES. I want to first compliment the Senator from Illinois on his interest in the national student loan data system, which, when implemented, should help us reduce default rates. The committee included this bill language to ensure that we would be funding a cost effective data system. I agree completely with the Senator from Illinois, and I think all our members agree, that we would not want a student loan data system to be implemented prior to its being tested and our receiving assurances that it will not in any way disrupt the processing of student loans. As the Senator knows, the Department has given repeated assurances that a full and complete test will be made prior to its implementation.

I would also like to note that, for the past 30 years, the private sector has successfully operated extensive credit data systems. An obvious example is the mastercard credit system and the way our credit limits can be checked instantly when we make a purchase. The technology required for the student loan data system is not new, and the Department would establish the system under contract with the private sector. Additionally, I should point out that the Department currently operates three data systems that have worked successfully and without any inconvenience to program recipients. They are the IRS Tax Refund Offset Program, the Federal Employees Salary Offset Program and computerized reporting to credit bureaus. While these systems were initially resisted, they have worked without problems.

Finally, the gentleman from Illinois is correct that this matter is completely in the hands of the authorizing committee, which is free to establish by statute any testing requirements which may be necessary. Our bill language merely ensures that the funds appropriated will be spent for a cost-effective data system. With regard to its implementation, I believe we need to start with some element of trust in modern technology and some element of trust that the Department would only operate the system when it has been fully tested and when all parties are confident that it works.

MEDICARE ADMINISTRATIVE COSTS

● Mr. HARKIN. Mr. President, I am pleased that the appropriations bill that we are considering today contains nearly $1.4 billion for the administrative activities performed by Medicare contractors. I also understand that we have provided $160 million for the first year startup costs of implementing the Medicare catastrophic health insurance legislation which begins on January 1, 1989.

Iowa's 414,000 seniors, 14 percent of the Iowa population and one of the highest per capita senior citizen populations in the Nation, depend on and expect prompt, reliable payment by Medicare for their health care costs. Proper funding for Medicare's administrative expenses can make a big difference in whether the over 5 million health care claims submitted by Iowa's seniors get paid on time and whether their questions about this complex Federal program get answered swiftly and accurately.

However, Mr. President, I am concerned that $100 million of funds we are providing for Medicare contractor activities is to be placed in a contingency fund, which means that they get released only when the Office of Management and Budget determines additional funds are needed to meet unanticipated events. Would the Senator comment on this?

● Mr. CHILES. I thank the Senator from Iowa and I am pleased to respond to his concerns.

Let me point out that we have provided $1,391 million for fiscal year 1989 for ongoing Medicare contractor activities. That's the same amount in total as included in the President's budget, the fiscal year 1989 budget resolution, and the House-passed Labor, HHS, and Education appropriations bill.

So, it is important to recognize that there is a lot of agreement on the total funding level. We want to make sure that we are ready to handle the expected 9-percent increase in Medicare claims and to pay them promptly and accurately. And we want to have the safeguards in place so that Medicare is only paying for what it is required to pay for Federal law and program regulations. That's an investment we need to make, especially on the part B side, to help bring program costs under control.

As the Senator from Iowa noted, one area where our bill differs from the administration's request for Medicare contractor funding is in the establishment of a $100 million contingency fund. While we have placed a portion of the contractor funds in a contingency, we continue to expect, as we have in the past, that these funds will be allocated and obligated promptly when claims payment performance requirements cannot reasonably be met without jeopardizing the integrity of the claims review process or the stability of the Medicare Program operations. Other uses of the contingency fund include such things as legislative changes not anticipated in the budget estimates, unexpected workload increases, or changes in claims payment performance requirements. In addition, we want to avoid protracted, unnecessary delays in the release of contingency funds if these funds are needed to administer the program properly.

● Mr. HARKIN. I thank the Senator for his clarification of the committee's intention regarding the release of contingency funds and the overall funding available for Medicare contractor operations.

● Mr. BENTSEN. I am particularly pleased that the Appropriations Committee provided sufficient funds for the first year implementation costs of the new catastrophic health insurance legislation.

I would like the Senator from Florida to give us his views on the funding for the startup costs of the catastrophic health legislation.

● Mr. CHILES. We have included $160 million in our bill to meet the fiscal year 1989 administrative costs of the new Medicare catastrophic health bill. The House bill has a lower figure of about $112 million, but I understand that their figure reflects an earlier estimate of the administrative costs of the catastrophic bill.

Our $160 million figure is based on revised estimates of the fiscal year 1989 implementation costs of the catastrophic health legislation after the conferees on that bill completed their work.

I recognize, as does the Senator from Texas, the importance to millions of seniors of having the administrative mechanisms in place to handle the catastrophic health bill. This is truly a fundamental change to the Medicare Program, and we want to make sure that it starts out on a very firm foundation.

● Mr. BENTSEN. I thank the Senator from Florida.

● Mr. CHILES. I thank the Senator from Texas for his remarks and also for his leadership on the catastrophic health legislation as chairman of the Finance Committee.●

● Mr. BENTSEN. Mr. President, I would like to direct the attention of the distinguished manager of the bill to title III of this measure, which funds the activities of the Department of Education. More specifically, I would like to direct your attention to the provisions dealing with the newly authorized "Fund for Innovation in Education."

In the committee report, I note that the committee states that funding for this program may be used for, among other things, "programs for technology education." That particular provision is of interest to me, because I am personally familiar with a Waco, TX-based program known as the Center for Occupational Research and Development which has developed modular, competency-based, instructional materials for high school students in the fields of applied biology and chemistry.

I merely seek some clarification. It would be my interpretation that a program such as the applied biology and chemistry programs developed by the Center for Occupational Research and Development could qualify for funding under this Fund for Innovation in Education as an applied technology program. Would the Senator from Florida agree with this interpretation?

● Mr. CHILES. I do agree with my colleague from Texas that the project at the Center for Occupational Research and Development would be an appropriate and meritorious use of moneys provided for the Fund for Innovation in Education. The bill before us includes $9,520,000 for the Fund for Innovation in Education. Within this total, much of the funding is earmarked for computer education, the Children's Television Workshop, and an early childhood education initiative begun in fiscal year 1988. Even so, there remains a sufficient amount in the fund for other initiatives such as the project at the center in Waco.

I would also like to point out to my friend from Texas that the bill before us also includes $9 million for national programs within the science and math education programs. This is another area which would be an appropriate source of funding for the center's project. Here again, funds have been earmarked for a secondary schools initiative discussed in the committee report. This program may also be used to support the Children's Television Workshop. Still, there remains sufficient funds in this area to support other efforts such as the curriculum development activities at the Waco center.

● Mr. BENTSEN. I thank my friend from Florida.●

MEDICAID VOLUNTARY CONTRIBUTIONS RULE

● Mr. SASSER. Mr. President, it has come to my attention that the Health Care Financing Administration and the Office of Management and Budget are considering altering or perhaps eliminating a provision of Federal medicaid regulations that is very important to Tennessee and several other States. This provision is known as the medicaid voluntary contributions rule.

Under this provision, States may use certain donated funds as the States' share in claiming Federal Medicaid matching funds. Tennessee has used this provision to improve Medicaid services to eligible individuals and to extend Medicaid coverage to low-income pregnant women and infants with incomes up to 100 percent of the poverty level.

The voluntary contributions rule has only been in existence for 2 years. Yet already, the administration is considering cutting this program. Such a change could undermine the most basic of medicaid objectives—to make quality health care available to the poor.

It is my understanding that the Senator from Alabama, Mr. SHELBY, shares my concern about this provision.

● Mr. SHELBY. That is correct, Mr. President. In Alabama, a mothers' and babies' indigent care trust fund was created to help address the terrible problem of infant mortality. The voluntary contributions provision will permit Alabama to expand Medicaid coverage to pregnant women and infants up to 100 percent of the poverty level. Private donations will also be used to fund coverage of unlimited hospital days for children under 21 and money will also go to disproportionate hospitals which treat a large proportion of patients on Medicaid or patients who cannot pay. This program is crucial for Alabama and other States which are striving to improve the quality of care available to the poor.

I share the Senator from Tennessee's concern about any change in the medicaid voluntary contributions rule and stand ready to work with my colleagues and representatives from the Health Care Financing Administration to ensure that if such change is undertaken, it will be in accordance with the intent of Congress.

● Mr. SASSER. Given the importance of the existing voluntary contributions regulation to our States, it was my intention to offer an amendment today to place a 1-year moratorium on any changes in this provision. Such a moratorium would give HCFA and all concerned States an opportunity to discuss current policy and any changes that HCFA is considering. Under a moratorium, I am confident that all States operating under the voluntary contributions regulation would be pleased to work with HCFA to remove any threat of abuse while leaving intact the positive steps that our States have made with this program.

However, I am advised that the distinguished chairman of the Labor, HHS Appropriations Subcommittee, Mr. CHILES, is sympathetic to my intent but is concerned about my amendment from a jurisdictional standpoint.

● Mr. CHILES. The Senator from Tennessee is correct. In fact, I have included language in my subcommittee report stating the desire of the committee that the Medicaid voluntary contribution rule remain unchanged until such time as the committee has reviewed HCFA's proposal prior to HCFA's solicitation of public comment. While I support Mr. SASSER's efforts to preserve the voluntary contribution regulation, I would think that a more appropriate vehicle for his amendment would be legislation in the Finance Committee.

● Mr. SASSER. Perhaps the Senator from Texas, Mr. BENTSEN, would like to address this procedural point.

● Mr. BENTSEN. Mr. President, I agree with Mr. SASSER, Mr. SHELBY, and Mr. CHILES about the importance of the Medicaid voluntary contributions rule as it exists under current law. I am aware that Tennessee and Alabama are using this provision to extend Medicaid services to eligible yet presently unreached indigent groups. My home State of Texas currently uses voluntary contributions to support hospital outreach workers.

However, I also agree with the Senator from Florida that an appropriations bill is not the correct vehicle for addressing this situation. But because I share the concern of the Senator from Tennessee about the administration's desire to alter or eliminate this provision, I give him my assurance that I will continue to monitor the administration's actions in this regard.

Should the administration propose changes in the voluntary contributions provision that are unreasonable or contrary to congressional intent, I will use my position as chairman of the Finance Committee to help Mr. SASSER block those changes. I will also work with all interested Senators and the administration in formulating constructive changes in the voluntary contributions rule as long as those changes do not adversely affect the legitimate use of voluntary contributions.

● Mr. SASSER. I thank my distinguished colleague from Texas for his assistance in this matter. With his assurances, I will withhold the offering of my amendment.

● Mr. SHELBY. I also thank the Senator from Texas and the Senator from Tennessee for addressing this important situation.●

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, just two quick words of thanks. First, to the chairman of the subcommittee, LAWTON CHILES. Nobody could have been more caring about those persons this committee serves. Nor could anybody be more conscious of obligations to meet those needs within the budget constraints imposed on ourselves by this Government.

I just want to express a deep, personal appreciation to Senator CHILES. This is the last time he will be functioning in this capacity, except within the conference and when conference report comes to the Senate for final action. The Senator from Florida is a true gentleman, a great Senator, and a human being of enormous compassion.

Last, I would like to pay a special tribute to the minority staff, led by Maureen Byrnes. The staff includes Terry Muilenburg, Craig Higgins, Riki Sheehan, and Dona Pate. I wish to recognize all of them for their work on this effort. This bill is something I think that all can be proud of, both the minority and majority. Most particularly I think my colleagues can be proud of the bill given all the controversy attached to it.

The fact is, it will stand on its own two feet. It will not be part of a continuing resolution.

Mr. CHILES. Mr. President, I thank my distinguished colleague for his kind words. I want to say how much I have appreciated serving with him both when he chaired the subcommittee and then as the ranking member. He continues to provide a great role of leadership in all of the areas of health. He is certainly the champion of children who are handicapped, of people who are disadvantaged, and has led the way in trying to provide research seeking the cure for the AIDS malady and the epidemic that we find ourselves in.

Mr. President, I also want to thank the staff who has worked long and hard on this over a long period of time and who will continue to work with us through the conference: The staff director, Mike Hall; Jim Sourwine; Mary Malaspina; Sue Quantius; Peter Rogoff; Nancy Anderson; Sally Khrum; the minority staff of Maureen Byrnes; Riki Sheehan; Craig Higgins; Dona Pate and Terry Muilenburg have all been very, very helpful. We thank them very much.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read a third time.

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

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—80

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

NAYS—16

Armstrong	Hecht	Proxmire
Conrad	Heflin	Roth
Daschle	Helms	Symms
Garn	Humphrey	Wallop
Gramm	McClure	
Hatch	Nickles	

NOT VOTING—4

Adams	Biden
Bentsen	Stennis

So the bill (H.R. 4783), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I move that the Senate insist on its amendments to the bill H.R. 4783 and request a conference with the House and the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer [Mr. GORE] appointed Mr. CHILES, Mr. BYRD, Mr. PROXMIRE, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUYE, Mr. HARKIN, Mr. BUMPERS, Mr. STENNIS, Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, and Mr. DOMENICI conferees on the part of the Senate.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 20 minutes and that Senators may speak for not to exceed 10 minutes each.

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

ALZHEIMER'S DISEASE

Mr. HEINZ. Mr. President, I will only detain my colleagues for a moment on a subject that is pertinent to this bill. But we have been on a variety of subjects involving abortion, contraception, AIDS. And those are important issues and they deserve to be considered by the Senate. But I want to bring, just for one brief moment, to the attention of my colleagues a section of this appropriations bill that is before us today.

I do not have an amendment. Indeed, to the contrary, I want to commend the managers of the bill for increasing funding for research activities that are vital to solving the mysteries of Alzheimer's disease as well as for the training of those who will care for Alzheimer's disease victims.

Mr. President, it was only a few years ago, in 1983, that Congress really began to pay attention to this debilitating illness which today claims as many as 4 million victims. The additional moneys targeted to those studying Alzheimer's disease's possible causes, and to helping those suffering from this illness has since produced a vast array of research successes in a short period of time. Our support for this research has brought us closer to understanding the disease, but we must get closer still.

The appropriations bill before us today recommends a total of $133.7 million for Alzheimer's disease research and treatment activities in fiscal year 1989. That is $43.7 million over funding levels provided in fiscal year 1988. About $4.5 million has been earmarked for three new Alzheimer's Disease Research Centers, bringing the total to 15 across the country. Not only are the centers are providing extremely important research data on the disease itself, they also provide specialized training for health care providers, a role we in Congress hope will be enhanced during the coming year.

I am especially proud of the significant work being done at one of the current centers which is located in my own State of Pennsylvania at the University of Pittsburgh. Under the direction of Dr. Francoise Boller, this center has been deeply involved in investigating the possible causes of Alzheimer's disease, as well as developing diagnostic techniques that will be useful in identifying Alzheimer's disease victims early on.

Mr. President, the statistics associated with Alzheimer's disease are startling: It is the fourth leading cause of death, after heart attacks, strokes, and cancer, for those over 40. It will claim one out of six of us in our later years. This illness usually takes from 3 to 20 years to run its cruel course—first affecting memory and personality, finally causing total bodily disfunction and death.

Over half of our nursing home patients are Alzheimer victims at an unbelievable cost of more than $36 billion a year, a cost primarily borne by individual families since most victims are not covered by Medicaid, Medicare, or private insurance. Even veterans are not assured of care as the illness is classified as non-service related and most VA hospitals will not admit Alzheimer's disease patients.

In sum, these statistics make clear that we, as an "aging" society, face a serious crisis unless we do more to combat the disease. In this regard, I want to compliment the chairmen, the ranking members, and the staffs of the Appropriations Committee, Senator CHILES, Senator WEICKER, and their staffs, and their subcommittee staffs who are in charge of overseeing these programs. They have done their job well. I have been impressed with their responsiveness to concerns that I and others have raised regarding the need for increased Alzheimer's disease research funds for this coming fiscal year. This bill reflects those concerns.

I, for one, want the managers of the legislation to know, along with all the other members of the Appropriations Committee, that this is one Senator who appreciates and is very grateful for their efforts. I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. If I can speak for a couple of minutes to join in those remarks. Because my father suffers from Alzheimer's disease, I will be very happy to support this legislation. It broadens our biomedical research initiatives in Alzheimer's research.

I note that yesterday this body passed Senate Joint Resolution 261, to designate November 1988 as "National Alzheimer's Disease Month." With this joint resolution, higher recognition is given to Alzheimer's disease and to its devastating cost to our society. As sponsor of this legislation, I wish to thank my 58 colleagues who supported the passage of this joint resolution.

I strongly support the moneys allocated to Alzheimer's research in this

appropriations bill. I think it is very proper, and I join in the remarks of my colleague from Pennsylvania.

Mr. President, recently, I wrote to my distinguished colleague, Senator CHILES of Florida, who chairs the Labor-HHS Appropriations Subcommittee, to urge his subcommittee to expand the Federal investment in Alzheimer's research and education.

I am pleased that the subcommittee has recommended $133.7 million for that purpose, of which $119 million would be allocated for research on Alzheimer's disease. This is an increase of more than 30 percent over last year's appropriation. My hope is that this amount will be agreed to by both the House and Senate.

Personal correspondence from my constituents and newspaper articles from South Dakota and across the country underscore the tragic impact of Alzheimer's disease and other dementias. Money we invest in biomedical research to unlock the mystery of Alzheimer's disease might lead either to a cure or a way to stop the progression of this disease. It could save our Nation much money in the long run.

Alzheimer's disease is a neurological disorder. It is characterized by a deterioration of cognitive functions such as memory, attention span, and judgment. This disease is progressive and irreversible. Eventually, the Alzheimer's victim cannot take care of himself or herself and must be put in a nursing home. Approximately $14 billion for nursing home care comes from Federal sources—Medicare, Medicaid, Veterans' Administration, et cetera.

No longer can we close our eyes to hide this very serious problem. As our population ages, the number of older Americans afflicted with Alzheimer's disease will increase. According to the Department of Health and Human Services, 1 in 20 Americans between the ages of 65 and 85 will be stricken by Alzheimer's disease; every fifth person over age 85 will fall victim to this devastating disorder.

The progressive mental and physical deterioration of this disease can last from 5 to 20 years, resulting in death. The cost of diagnosis, treatment, nursing home care, informal care, lost wages of caregivers, and other indirect costs is extremely high.

Although Alzheimer's disease has been recognized as a legitimate public policy issue, historically, Federal funding of research on this disease has moved at a snail's pace when compared to research on other diseases, such as cancer or AIDS.

In 1986, cancer afflicted 1 million individuals and its cost to society was $71.6 billion. In 1987, the Federal Government appropriated $1.4 billion to fund cancer research.

During that year, 1.5 million individuals were afflicted with AIDS at a cost to society of $1.1 billion. In 1987, the Federal Government appropriated $271 million for AIDS biomedical research.

Yet, in the United States, Alzheimer's disease and related dementias afflicted approximately 3 million individuals in 1986. Federal support of biomedical research in 1987 was $64 million, while the cost of care for the victims of Alzheimer's disease is more than $90 billion annually.

Even with the meager amount of funding provided to biomedical research on Alzheimer's disease, it is encouraging to note that research advances have occurred. For example, researchers are aware that 10 percent or more of all Alzheimer's disease cases are hereditary. A recent research discovery found evidence of a defective gene on chromosome 21 that causes familial Alzheimer's disease, the type of disease passed from one generation to the next.

Other studies have found that one of the signs of Alzheimer's disease is a defective protein called amyloid. Clumps of amyloid debris which damage brain cells have been found during autopsies performed on Alzheimer's victims. Recently researchers found a gene that directs the manufacture of amyloid. Finding this gene will enable researchers to study how the protein forms and determine whether it is a cause of Alzheimer's disease or a result of the disease. The Alzheimer's gene and the amyloid gene are located in the same region on chromosome 21.

Researchers also know that nongenetic factors play a part in Alzheimer's disease. Studies around the Nation are examining the role of immunological dysfunction, stress, viruses, and environmental toxins as potential causes for Alzheimer's disease.

Advances in neuroimaging technology through the use of CAT scanners and positron emission tomography have been useful in aiding the diagnosis of Alzheimer's disease.

The Alzheimer's disease research centers are standardizing screening instruments and autopsy procedures in order to better coordinate research initiatives examining Alzheimer's disease.

Funding a treatment for Alzheimer's disease must be a high priority. To that end, I am pleased that Congress last year provided start-up funding to support clinical trials on the safety and effectiveness of a promising new drug, called THA. Currently, research on this drug is being conducted at 17 sites around the United States to determine whether it can offer symptomatic relief to Alzheimer's victims. We must continue to fund research on THA and other therapeutic agents that may cure or diminish the effects of Alzheimer's disease.

Mr. President, the Senate has looked toward the long term benefits of biomedical research instead of its short term costs. We have made a wise investment that ultimately will provide us with a high rate of return.

LET'S PASS THE SUPPLEMENTAL APPROPRIATION BILL

Mr. RIEGLE. Mr. President, on July 8, I raised the serious issue of a shortfall affecting thousands of workers who depend on the Trade Readjustment Assistance Program.

The House has now passed H.R. 5026, the dire emergency supplemental appropriation bill. We need to pass this legislation immediately so that the workers who are depending on these funds get their lifeline back.

TRA, which provides extended unemployment benefits to workers who have lost their jobs due to foreign imports, is especially important in view of the lack of other benefits available to these workers.

Under TRA, workers may receive an additional 26 weeks of extended unemployment benefits, once their regular State benefits are exhausted. An additional 26 weeks of benefits are available to workers enrolled in approved training programs requiring additional time.

The regular unemployment insurance system currently pays only 26 weeks of benefits, since the extended benefits program is functionally inoperative, due to a qualification level which no States currently meet. On March 16, 1988, I introduced S. 2175 to address the ineffectiveness of this program by making the triggering mechanism more reflective of those who are supposed to receive the benefits.

As of today, 26 States, including Michigan, are out of funds to pay TRA benefits to their recipients. There are 5,000 people affected in my State, and many of them have called my offices in Washington and Michigan. These are workers with nowhere else to turn. A woman from Flint, MI, called my office this morning. She is a laid-off auto worker and has no other source of income. She cannot quality for AFDC for 45 days, and she hasn't received a TRA check for 2 weeks. She has two children and is the head of her household. She said she was about to become one of the homeless. There are thousands of people who are one or two paychecks away from the same situation.

These people have rent or mortgages to pay, they have groceries to buy, they have basic needs which are not met with answers like those we are currently being forced to give them: "We are trying to pass this legislation. Once we do, you will receive retroactive payment, but until it is passed, and the funds are funneled to the States for distribution, we wish you the best of luck but there is nothing more we can do."

I know my colleagues share my tremendous dissatisfaction with that kind

of an answer to desperate people. Yet, if we delay enactment of the dire emergency supplemental appropriation, that is what we are really saying.

The Labor Department estimates that all funds for the program will be exhausted by July 31.

I need not remind my colleagues of the tremendous human toll in addition to the economic consequences of our ever-worsening trade deficit. These workers are the ones who are directly affected, and this program is the safety net which was established to assist them.

This a critical situation which must be addressed immediately. I urge my colleagues to show compassion and restraint in passing H.R. 5026 immediately and without amendment so that the workers who are counting on these funds will not be hurt further.

AMBASSADOR-AT-LARGE TO THE AFGHAN RESISTANCE

Mr. HUMPHREY. Mr. President, last night the Senate adopted an amendment sponsored by the Republican leader, Senator DOLE, that mandates within the State Department a position to be styled "Ambassador at Large to the Afghan Resistance."

That is an effort which a number of us in the Senate have been promoting for some time. Indeed, both the majority leader and the Republican leader wrote several weeks ago to the Secretary of State urging the Department on its own to create such a position.

The Senate has adopted an amendment to this bill now pending that will create such a position. I hope with the support of the majority leader and the Republican leader that this provision will remain intact when this bill reaches the conference.

When and if we name an Ambassador at Large to Afghanistan, our continued presence, with the Embassy in Kabul, the seat of the government against which the Afghan resistance, with our encouragement, are struggling, becomes inconsistent with the creation of the position of Ambassador at Large to the resistance. Not only is the continuation of our Embassy in Kabul inconsistent with the action of the Senate in the creation of such a position, but perhaps even more important, the safety of our Embassy personnel in Kabul is increasingly jeopardized.

Just this morning I read in the Washington Times an article, part of which reads as follows:

West Germany was evacuating non-essential embassy staff from Kabul yesterday after Afghan guerrillas rained 170 rockets on the Afghan capital last week in one of the biggest and most sustained barrages of the nine-year war.

A Foreign Ministry spokesman in Bonn said that over the last few days embassy staff had been reduced to a minimum and the dependents of remaining staff were being evacuated because of guerrilla attacks.

Saturday's barrage was the heaviest of the week with 60 rockets falling on the city during the day, Western diplomats in Pakistan said.

The French Embassy took a direct hit but nobody was badly hurt, Western diplomats in Pakistan said. Another rocket narrowly missed the U.S. mission.

Last week's barrage appeared aimed largely at the north and northwest of the city where there are major military installations and in southwestern areas housing the Soviet Embassy, Soviet army headquarters and the Defense Ministry.

"This latest attack is just part of the generally worsening situation in Kabul," the Bonn official said.

So far this month more than 200 rockets have hit Kabul with at least one attack every day and sometimes salvoes of up to 10 at a time. . .

I ask unanimous consent, Mr. President, that this Washington Times article be printed in the RECORD.

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

AFGHAN REBELS BOMBARD KABUL WITH BIGGEST ROCKET BARRAGE YET

West Germany was evacuating non-essential embassy staff from Kabul yesterday after Afghan guerrillas rained 170 rockets on the Afghan capital last week in one of the biggest and most sustained barrages of the nine-year war.

A Foreign Ministry spokesman in Bonn said that over the last few days embassy staff had been reduced to a minimum and the dependents of remaining staff were being evacuated because of the guerrilla attacks.

Saturday's barrage was the heaviest of the week with 60 rockets falling on the city during the day, Western diplomats in Pakistan said.

The French Embassy took a direct hit but nobody was badly hurt, Western diplomats in Pakistan said. Another rocket narrowly missed the U.S. mission.

Last week's barrage appeared aimed largely at the north and northwest of the city where there are major military installations and in southwestern areas housing the Soviet Embassy, Soviet army headquarters and the Defense Ministry.

"This latest attack is just part of the generally worsening situation in Kabul," the Bonn official said.

So far this month more than 200 rockets have hit Kabul with at least on attack every day and sometimes salvoes of up to 10 at a time.

"This many in one week is probably the heaviest of the war," said Ijaz Gilani, an Afghan analyst with Pakistan's Institute of Strategic Studies.

"We have probably not had as heavy rocketing in such a short time before."

He said there was no indication rebel forces trying to topple the Soviet-backed government in Kabul were in any position to really threaten the capital.

"It seems to me their point is to demonstrate their ability to hit Kabul when they want," he said.

A Western analysis of this month's rocket attacks shows guerrilla activity much greater than at any time this year and far outweighing last July's levels.

On five occasions there were protracted barrages, appearing to require coordinated guerrilla action from different sides of the city, said another Western diplomat.

The diplomat said a major reason for the guerrillas being able to strike at Kabul with such intensity was a decision by Soviet and Afghan forces to withdraw from their outermost defenses and consolidate on their second defensive ring.

This had given the mujahideen the opportunity to get closer to the city.

He said they recently acquired longer range rockets, allowing them to fire on the capital from up to 20 miles away.

The seizure of territory south of Kabul gave them control of infiltration routes from border areas and camps in Pakistan, allowing a larger and more regular flow of men and arms, he said.

Western diplomats have reported a steady increase of pressure around Kabul over the past month from the mujahideen guerrillas fighting to topple the Soviet-backed government of President Najibullah.

Mr. HUMPHREY. Mr. President, the point is it is increasingly unsafe for our people in Kabul. If we need an excuse for finally shutting down that Embassy, we now have it.

This week the West German Embassy evacuated all but a skeleton staff from Kabul and removed all of its dependent personnel, according to the report. The French Embassy took a direct hit this week in Kabul. Fortunately, no one was hurt. Likewise, according to this report, another rocket narrowly missed the U.S. Embassy.

Mr. President, time is long overdue for the shutting down of that Embassy, both for strategic reasons and now for reasons of safety to our personnel. I hope that the State Department and the Executive will regard as a stimulus the option last night of the amendment which creates a position of Ambassador at Large to the resistance as a further signal that it is time to close our Embassy in Kabul.

MESSAGES FROM THE PRESIDENT

Message from the President of the United States were communicated to the Senate by Mr. Saunders, one of his Secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bills and joint resolutions:

On June 7, 1988:

S. 1988. An act to amend the Merchant Marine Act, 1920, and for other purposes.

S. 1989. An act to implement the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America.

On June 16, 1988:

S.J. Res. 266. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week".

On June 17, 1988:

S. 1652. An act to authorize the establishment by the Secretary of Agriculture of a plant stress and water conservation research laboratory and program at Lubbock, TX.

S. 2304. An act to amend the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend the life of the Commission on the Ukraine Famine.

On June 22, 1988:

S. 1539. An act to amend the Federal Railroad Safety Act of 1970 and for other purposes.

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day".

On June 23, 1988:

S.J. Res. 147. Joint resolution designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week."

On June 24, 1988:

S. 794. An act to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs.

On June 27, 1988:

S. 952. An act to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes.

S. 1901. An act to designate the Federal building located at 600 Las Vegas Boulevard in Las Vegas, NV, as the "Alan Bible Federal Building."

S. 1960. An act to designate the Federal building located at 215 North 17th Street in Omaha, NE, as the "Edward Zorinsky Federal Building."

On June 28, 1988:

S. 2156. An act to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget.

S. 2167. An act to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for fluorescent lamp ballasts.

On July 7, 1988:

S.J. Res. 304. Joint resolution designating July 2, 1988, as "National Literacy Day."

On July 13, 1988:

S. 1856. An act to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes.

S. 2188. An act to amend section 307 of the Federal Employees' Retirement System Act of 1986.

On July 19, 1988:

S. 623. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990, and for other purposes.

S. 2203. An act to extend the expiration date of title II of the Energy Policy and Conservation Act.

S. 2248. An act to designate the U.S. Courthouse located at 156 Federal Street in Portland, ME, as the "Edward Thaxter Gignoux United States Courthouse."

On July 26, 1988:

S.J. Res. 318. Joint resolution to designate the week of July 25-31, 1988, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

MESSAGES FROM THE HOUSE

At 9:55 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 90) to authorize and request the President to call and conduct a White House Conference on Library and Information Services to be held not earlier than September 1, 1989, and not later than September 30, 1991, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 95. A concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

ENROLLED JOINT RESOLUTION SIGNED

At 12:06 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 90. Joint resolution to authorize and request the President to call and conduct a White House Conference on Library and Information Services to be held not earlier than September 1, 1989, and not later than September 30, 1991, and for other purposes.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore [Mr. GRAHAM].

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5026. An act making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5026. An act making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3619. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on four violations of law involving overobligations of approved appropriations; to the Committee on Appropriations.

EC-3620. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on a violation of law involving the overobligation of an approved appropriation; to the Committee on Appropriations.

EC-3621. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report on the financial condition and operating results of the Working Capital Funds of the Department of Defense for fiscal year 1987; to the Committee on Armed Services.

EC-3622. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Defense Logistics Agency intended to exercise a provision of law for exclusion of a clause concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-3623. A communication from the Secretary of Energy, transmitting, pursuant to law, the fifth annual update to the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-3624. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3625. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3626. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, informational copies of proposed lease prospectuses; to the Committee on Environment and Public Works.

EC-3627. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Hazardous Waste-New Approach Needed to Manage the Resource Conservation and Recovery Act"; to the Committee on Environment and Public Works.

EC-362. A communication from the Assistant Secretary of Commerce (Import Administration), transmitting, pursuant to law, the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 1984; to the Committee on Finance.

EC-3629. A communication from the Acting Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report of the Commission on the operation of the United States trade agreements program during 1987; to the Committee on Finance.

EC-3630. A communication from the Chairman of the Prospective Payment As-

sessment Commission, transmitting, pursuant to law, a report on Outlier Payment Alternatives for Burn Cases; to the Committee on Finance.

EC-3631. A communication from the Acting Chairman, of the U.S. International Trade Commission, transmitting, pursuant to law, the Commission's fifty-fourth quarterly report on trade between the U.S. and the nonmarket economy countries; to the Committee on Finance.

EC-3632. A communication from the U.S. Trade Representative, transmitting, pursuant to law, a report describing new petitions filed under Section 301 of the Trade Act of 1974; to the Committee on Finance.

EC-3633. A communication from the Director of Congressional Affairs, United States Arms Control and Disarmament Agency, transmitting, pursuant to law, a report on U.S. and Soviet updated exchanged information about their INF missile systems; to the Committee on Foreign Relations.

EC-3634. A communication from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, a report on studies relating to arms control and disarmament issues; to the Committee on Foreign Relations.

EC-3635. A communication from the Assistant Inspector General for Administration, Office of the Inspector General, U.S. Department of Agriculture, transmitting, pursuant to law, notices of computer matching programs; to the Committee on Governmental Affairs.

EC-3636. A communication from the Comptroller, General Services Administration, transmitting, pursuant to law, the annual report for the fiscal year ending September 30, 1987, on the Presidents Retirement System; to the Committee on Governmental Affairs.

EC-3637. A communication from the Administrator of the Veterans Administration, transmitting, pursuant to law, a report on the Veterans Administration records system; to the Committee on Governmental Affairs.

EC-3638. A communication from the Director of Selective Service, transmitting, pursuant to law, a notice concerning the Selective Service System Registration Compliance Program for computerized matching of individual records maintained by the Selective Service System against records of other federal and non-federal sources; to the Committee on Governmental Affairs.

EC-3639. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a notice regarding a computer matching program to be conducted by the Veterans' Administration; to the Committee on Governmental Affairs.

EC-3640. A communication from the Comptroller General of United States, transmitting, pursuant to law, a listing of reports issued by the General Accounting Office during the month of June 1988; to the Committee on Governmental Affairs.

EC-3641. A communication from the Administrator of General Services, transmitting, pursuant to law, the results of a study of the costs of operating privately owned vehicles to Government employees while engaged on official business; to the Committee on Governmental Affairs.

EC-3642. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Toward Effective Performance Management in the Federal Government"; to the Committee on Governmental Affairs.

EC-3643. A communication from the Clerk of the United States Court of Appeals, transmitting, pursuant to law, a report on the investigation of a special counsel in regard to Nofziger, Edwin Meese, III, Div, No, 87-1; to the Committee on the Judiciary.

EC-3644. A communication from the Chairman of the United States Naval Sea Cadet Corps, transmitting, pursuant to law, the annual audit report of the Corp for calendar year 1987; to the Committee on the Judiciary.

EC-3645. A communication from the Executive Vice President of the Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the annual report of the Association for calendar year 1987; to the Committee on the Judiciary.

EC-3646. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for College Library Technology and Cooperation Grants Program; to the Committee on Labor and Human Resources.

EC-3647. A communication from the Acting Assistant Secretary of Health and Human Services (Legislation), and the Chair Person of the Commission on Nursing, transmitting jointly, pursuant to law, the interim report on the Secretary's Commission on Nursing; to the Committee on Labor and Human Resources.

EC-3648. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for Handicapped Special Studies Program; to the Committee on Labor and Human Resources.

EC-3649. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Independent Living Services for Older Blind Individuals; to the Committee on Labor and Human Resources.

EC-3650. A communication from the Executive Secretary to the Secretary of Defense, transmitting, pursuant to law, a report on the Department of Defense procurement from small and other business firms for the period October 1987 through April 1988; to the Committee on Small Business.

EC-3651. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the third annual report on agricultural trade consultations; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1912: A bill to authorize a study of the feasibility of establishing a national Mimbres Museum in Silver City, New Mexico, and for other purposes (Rept. No. 100-433).

S. 2157: A bill to authorize three feasibility studies to be conducted in New Mexico dealing with the San Gabriel Historic Landmark, the significance of the Los Luceros Hacienda, and the establishment of an interpretive center to highlight the first colonization of the interior of the United States in New Mexico (Rept. No. 100-434).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 4419: A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 (Rept. No. 100-435).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

H.R. 3811: A bill to designate the Federal building located at 50 Spring Street, Southwest, Atlanta, Georgia, as the "Martin Luther King, Jr., Federal Building".

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 63: A concurrent resolution expressing the sense of the Congress regarding the formulation and implementation of a regional economic development and recovery program for Central America.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Robert O. Hunter, Jr., of California, to be Director of the Office of Energy Research;

Joseph F. Salgado, of California, to be Deputy Secretary of Energy;

Donna R. Fitzpatrick, of the District of Columbia, to be Under Secretary of Energy; and

Elizabeth Anne Moler, of Virginia, to be a member of the Federal Energy Regulatory Commission for a term expiring October 20, 1991.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

John Florian Kordek, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: John F. Kordek.

Post: Botswana.

Contributions, amount, date, and donee.

1. Self: John F. Kordek, none.

2. Spouse: Alice M. Kordek, none.

3. Children and spouses names: Catherine and Andrew, none.

4. Parents names: Mr. and Mrs. John S. Kordek, none.

5. Grandparents names: Mr. & Mrs. Frank Kordek (deceased); Mr. & Mrs. Joseph Rogalski (deceased), none.

6. Brothers and spouses names: Phillip Kordek, none.

7. Sisters and spouses names: Judith Pasowicz, none.

Carl Copeland Cundiff, of Nevada, a Career Member of the Senior Foreign Service, Class of Minister-Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Contributions are to be reported for the period beginning on the first day of the

fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Carl Copeland Cundiff.

Post: Ambassador to Niger.

Contributions, amount, date, and donee.

1. Self: Carl C. Cundiff, none.

2. Spouse: Jacqueline E. Cundiff, none.

3. Children and spouses names: Simon S. Cundiff; Sarah E. Cundiff, none.

4. Parents names: Carl H. Cundiff; Wanda Cundiff, none.

5. Grandparents names: none.

6. Brothers and spouses names: none.

7. Sisters and spouses names: none.

John Andrew Burroughs, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Burroughs, John A. (Jr.)

Post: U.S. Ambassador to Uganda.

Contributions, amount, date, and donee.

1. Self: John A. Burroughs, Jr., none.

2. Spouse: Audrey C. Burroughs, none.

3. Children and spouses names: No children.

4. Parents names: Mother, Mary Virginia Burroughs, deceased; Father, John A. Burroughs, Sr., deceased.

5. Grandparents names: Unknown.

6. Brothers and spouses names: No brothers.

7. Sisters and spouses names: No sisters.

Robert L. Pugh, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert L. Pugh.

Post: Embassy N'Djamena, Chad.

Contributions, amount, date, and donee.

1. Self: None.

2. Spouse: Bonnie B. Pugh, none.

3. Children and spouses names: Malcolm R. Pugh; Anne C. Pugh, none.

4. Parents names: Archie C. Pugh, died 1933; Grace A. Pugh, died 1973.

5. Grandparents names: All have been dead for decades.

6. Brothers and spouses names: George M. Sheets; Ruth Sheets; Edwin F. Sheets; Linda Sheets, none.

7. Sisters and spouses names: Lonna Arklin, none.

William H. Twaddell, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: William H. Twaddell.

Post: Ambassador, Mauritania.

Contributions, amount, date, and donee.

1. Self: None.

2. Spouse: N/A.

3. Children and spouses names: William Sanderson Twaddell; Ellen Johnson Twaddell, none.

4. Parents names: Helen J. Twaddell, father (deceased) none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Stephan and Doris Twaddell, none; James F. and Marlene Twaddell, $500, August, 1984, Senator Claiborne Pell.

7. Sisters and spouses names: None.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

James B. Coles, of California, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1990;

James G. Stearns, of Nevada, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1991; and

Richard C. Houseworth, of Arizona, to be a member of the Board of Directors of the Export-Import Bank of the United States for a term of 4 years expiring January 20, 1991.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. HECHT:

S. 2659. A bill entitled the "Nevada Federal Wilderness Act of 1988"; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself and Mr. METZENBAUM):

S. 2660. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992 for transitional living projects; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2661. A bill relating to the tariff treatment of certain entries of digital processing units; to the Committee on Finance.

By Mr. BYRD (for Mr. HOLLINGS):

S. 2662. A bill to remedy injury to the U.S. textile and apparel industries caused by increased imports.

By Mr. STAFFORD (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. DURENBERGER, and Mr. GORE):

S. 2663. A bill entitled the "Global Environmental Protection Act of 1988"; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HECHT:

S. 2659. A bill entitled the "Nevada Federal Wilderness Act of 1988"; to the Committee on Energy and Natural Resources.

NEVADA FEDERAL WILDERNESS ACT

Mr. HECHT. Mr. President, today I am introducing a bill to designate a reasonable amount of Federal wilderness in the State of Nevada. I do so after considerable analysis and reflection. This bill is the product of a series of five official Senate hearings which I held in Nevada early in 1986, and seven unofficial public meetings which I recently conducted all around my State this spring.

"Wilderness" is one of those words that conjures up all sorts of romantic and inspiring images: Alpine lakes, rugged mountains, clear blue skies, gurgling trout streams, a herd of elk brousing in the twilight. That's the way wilderness is portrayed in glossy magazines. The beautiful photos that appear in the pages of these magazines seem to portray wilderness, but they are not Federal wilderness as defined by Federal law and Federal regulations.

Today I am speaking not of beautiful photos, but of enacting a Federal statute, which brings with it a whole raft of Federal regulations, agency manuals, and bureaucratic policies and procedures. So I think it is essential for all Nevadans to distinguish between the warm photographic image of wild lands, and the dense Federal lawbooks that define and govern what Congress calls wilderness.

For instance, in the scene I just described, the legal definition of Federal wilderness means you couldn't put a boat on that lake because there would be no practical way to get it there since motorized vehicles are forbidden in wilderness, you wouldn't be allowed to drive a snowmobile into those rugged mountains during the winter because motorized vehicles aren't allowed in Federal wilderness, you wouldn't be allowed to catch fish from that stream unless that species of fish was native to the area and not introduced by man, and, if those elk depended on habitat manipulation by State or Federal biologists, you better forget about the elk staying around very long because habitat manipulation is unnatural and therefore forbidden inside Federal wilderness. And what about the hunter or fisherman who would lose access roads to favorite hunting and fishing areas because four-wheel drive rigs are banned in Federal wilderness. Even those clear blue skies might be endangered, Mr. President, because if there happens to be a forest fire, you're supposed to sit back and watch it burn up the wilderness, and the trees and animals that live in the wilderness, because fire is part of a natural system, and, as ought to be clear by now, fooling with

Mother Nature is forbidden in Federal wilderness.

The problem is that Mother Nature has a mind of her own, and her actions are frequently unpredictable and sometimes quite threatening to us humans. We learned to use fire, clothe ourselves, domesticate plants and animals, and invented medicine. We are at the same time part of nature, and yet able to protect ourselves somewhat from her wilder moods. A blizzard or a grizzly bear may be thrilling in the pages of a magazine, it's a bit more ominous when you face it out in the mountains.

Now, I believe that Nevada needs natural wilderness areas, and I want Nevada to have wild lands. I also believe that there is enough land in Nevada so that some areas can be set aside as Federal wilderness. I believe Nevada needs wild areas; places where nature can act more or less independently of the influence of man, so that our citizens can always have a place to observe how nature works when she is pretty much on her own, so that our people can always have a place to go to experience solitude and reenter, if only briefly, that closer communion with nature and God's works that was commonplace in the West around the turn of the century, but is not so commonly experienced now, with most westerners concentrated in large cities that are more similar to what is found in the East than they are to "God's country". Finally, Nevadans need wild lands where we can test our physical abilities and mental skills in many of the same ways that nature has used for more than a century to teach the westerner strength, endurance, self-reliance, flexibility, and the skill to coexist with nature through understanding natural forces and processes. It is important to distinguish, however, between wild lands and Federal wilderness areas. We can have wild areas without the regulatory burden associated with Federal wilderness designation.

The issue, then, is how much officially designated Federal wilderness do we need, for whom, where shall it be, why should certain areas be selected and not others, and who gets to decide? After spending a great deal of time listening to the opinions of thousands of Nevadans, I have attempted, through this legislation, to answer these questions forthrightly and directly, without playing politics with the issue, and without staking out an artificial negotiating position from which to bargain with the democratic leadership of the House of Representatives that seems to be so interested in dictating to Nevadans how we should live in our own State.

We Nevadans need to look out for our own. During my recent series of meetings throughout Nevada, many sportsmen expressed great concern about the loss of hunting and fishing opportunities, and fish and wildlife management improvements, that would result from roads being closed down inside Federal wilderness. I met with many disabled individuals during my recent wilderness meetings in Nevada. These very courageous people enjoy the recreational opportunities of the great outdoors. They fish, hunt, camp, and just simply like getting out into Nevada's rugged and beautiful wild lands. And, yet, these people will be excluded from Federal wilderness. Surely, this is not the intention of Congress, but it will happen if we don't act with leadership and foresight to protect the rights of the handicapped.

My bill requires the Secretary of Health and Human Services to submit a report to Congress which analyzes the impact of Federal wilderness designation on the handicapped, disabled, and the elderly. This report will examine the loss of recreational opportunities, and the possibility of discrimination, resulting from restrictions on access to Federal wilderness areas.

Mr. President, the founder of a well known spinal chord injury organization in Las Vegas put it best. She said, "Please do not discriminate against these kids in wheelchairs and senior citizens or anybody else that needs motorized vehicles to go see the beautiful sites that we have in this State."

Mr. President, my bill creates something which all Nevadans can enjoy: Nevada's second national recreation area. The new 26,000-acre Mount Rose national recreation area created by my bill will include 18,000 acres of wilderness, so residents and visitors to northwestern Nevada will have readily accessible wild land recreational opportunities, and so this beautiful and popular area will be protected from urban sprawl as the nearby cities continue their rapid growth.

Federal wilderness has some advantages, but it also has serious disadvantages. I have tried to draw the boundaries, and write the language of my bill so that Nevadans can enjoy the advantages of a reasonable amount of Federal wilderness, and escape as many of the disadvantages as possible.

Mr. President, I readily admit that there are exceptions to some of the rather ironic and bizarre aspects of the legal definition of Federal wilderness which I just related. If a winter camper broke a leg inside a Federal wilderness, you might be able to get him out with a sheriff's search and rescue jeep posse, if you could convince three or four levels of bureaucrats that it was unreasonable to expect him to limp out or ride out on a horse. Of course, by the time you got the necessary clearances, he might have a pretty unpleasant case of gangrene. If those nonnative fish in the stream had been stocked there for a century, then stocking could probably continue, but you better forget about introducing a new species of fish, no matter how beneficial it might be. If that Federal wilderness forest fire were clearly about to endanger human life or property, it could be fought with motorized equipment. The bureaucrats are not going to pull out the mechanized equipment to save animal life from fire in Federal wilderness, so Smokey the Bear would not want to live in a Federal wilderness area. The rangers would stand off to the side and watch him try to find his own way out of the blaze. The key thing to bear in mind about forest fires is that while they tend to start small, they can rapidly explode over thousands of acres. Timing is everything in firefighting. By the time the bureaucrats decide the firefighting crews could trade in their hand axes and shovels for chain saws and bulldozers, you might have lost the opportunity to prevent the fire burning up not only the entire Federal wilderness area, but also half a county of nearby nonwilderness.

The point is, Mr. President, that there is more to the Federal wilderness debate than what meets the eyes on television nature shows. In this context, my job is to do my best to help my constituents understand what congressionally designated wilderness is really all about, to give them the opportunity to express their wishes on this issue, and then to use my best judgment, in consultation with the affected local governments, to develop a bill which best serves the needs of Nevada.

As I stated earlier, over the last 2 years I have conducted a total of 12 meetings in Nevada on Federal wilderness. I would like to share with my colleagues some of the ideas that were expressed during these meetings.

First, let me discuss some of the points that were made by the people who testified in favor of Federal wilderness. The most common argument was that Federal wilderness designation is necessary to preserve land unspoiled for future generations, so that there will always be natural places that man can retreat to, away from the daily pressures of civilization. Another major point was that Nevada needs to do something to improve the State's image across the country, and that if large amounts of the State were to be designated as Federal wilderness, then people from other States would not think of Nevada as a wasteland, and would not be as eager to make Nevada the national dumping ground for high level nuclear waste and other less than desirable programs. There was also the argument that Nevada currently has a smaller fraction of its total land in Federal wilderness than any other Western State, with the implication that we

need to catch up. Finally, there is the perception the Federal wilderness designation is beneficial for fish and wildlife protection, and that animals need Federal wilderness areas if they are to survive man's depredations.

People who oppose Federal wilderness, or who would prefer a very modest amount of land to be officially designated as wilderness, typically offer the following arguments. They need their roads, or "ways," for access to hunting and fishing areas. Federal wilderness, they say, threatens the economy and the culture of rural communities that are often very closely tied to the land. Nevada is 87-percent federally owned, and many of our rural counties are well in excess of 90-percent federally owned. So, if rural communities are to survive, their citizens need access to Federal lands to mine, graze cattle, make water-related improvements, and drive in to hunt or fish. I have heard horror stories from individuals who have personal experience with Federal wilderness management resulting in the loss of grazing opportunities, forfeiture of mining claims, road closures, loss of watershed improvements, destruction of historic structures and cabins, and other injuries, all performed by Federal bureaucrats who say they are just trying to do their best to conform to what they think to be Congress' view of the definition of wilderness.

Federal wilderness, it is said, is intrinsically discriminatory. The elderly, the disabled veteran, the handicapped, young children, the less than physically vigorous of all ages, and people whose jobs prevent them from taking extended periods off from work, simply can't get into Federal wilderness to enjoy it because there is no motorized access.

Opponents of Federal wilderness point out that the reason the Federal wilderness study areas meet the man-made criteria for official wilderness designation is that they are either so inaccessible that there is no threat to them under any conceivable set of circumstances or, if they are accessible, the local people and Federal agencies have done such a good job of protecting them over the years that their wilderness qualities have been preserved, and are likely to be preserved in the future. Either way, opponents of Federal wilderness argue, there are no advantages, and there are significant disadvantages, to Congress designating these lands as official wilderness. Where there have been abuses, and land has been degraded, the appropriate response is not Federal wilderness designation, but more vigorous enforcement of the entirely adequate laws and regulations that are already on the books.

From a quantitative viewpoint, about three-quarters of the people who testified at my recent meetings, or who filled out opinion ballots which I distributed at those meetings, favored no more national forest wilderness in Nevada beyond the 132,000 acres in Congresswoman VUCANOVICH's bill, H.R. 708. This is a distinct shift from the official hearings I conducted 2 years ago, when the testimony was basically split right down the middle, with a very small majority favoring the approach that Senator LAXALT, Congresswoman VUCANOVICH, and I were proposing at that time. Quite a few people submitted written comments this year, and there were also a number of petitions and postcard campaigns on both sides of the issue.

Perhaps the most striking aspect of my recent meetings was the fact that the rural communities are overwhelmingly against Federal wilderness, for many of the reasons I have related earlier. The metropolitan area in northwestern Nevada, on the other hand, is very supportive of Federal wilderness, particularly of Federal wilderness designation for the Mount Rose area outside Reno. The residents of Clark County, Nevada's major metropolitan area, seem split on the issue, with a majority in favor of less Federal wilderness.

Two questions on the opinion ballot that I distributed at the recent public meetings dealt with the issue of Federal reserved water rights in Federal wilderness, and whether or not the delegation should wait for the Bureau of Land Management to complete its own wilderness evaluation process, and then proceed to designate all Federal wilderness for Nevada in one omnibus bill for all four Federal land management agencies that are active in Nevada: the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service.

An identical 69 percent of those answering each question wanted the issue of water rights resolved before the delegation proceeded with Federal wilderness legislation, and wanted wilderness for all four Federal agencies to be resolved at the same time.

Now, there are a number of things that are very clear to me from my several years of gathering information and public input on the subject of Federal wilderness. First, there is a lot of confusion on both sides of the issue with respect to the meaning of Federal wilderness and the motivations of proponents and opponents. Let me try and clear up some of this confusion.

Federal wilderness is not a national park. Different rules apply in Federal wilderness. You can't drive into Federal wilderness, sit down at a picnic table, buy ice cream from a concessionaire, and camp overnight in a trailer park. You have to stop your vehicle at the edge of Federal wilderness, and pack in everything you plan to use while you're inside the Federal wilderness area. There are not supposed to be amenities of any kind.

Federal wilderness is supposed to be designated only in a roadless area, but it turns out that the word "road" means different things to different people. For purposes of Federal wilderness designation, a road is something that is mechanically improved and maintained; anything else is a "way." Well it turns out that there are an awful lot of "ways" inside roadless areas in Nevada, and people have been driving motorized vehicles on these "ways" for a very, very long period of time. As far as these people are concerned, a road is somewhere you can drive a vehicle, so anyone who wants to close off a "way" inside a Federal wilderness area is actually closing off a road. So when advocates of Federal wilderness say there are no roads inside wilderness areas, they may be legally correct, but they are also incorrect from the commonsense perspective that is the only perspective that matters to the people who are used to driving on these roads.

Another misconception concerning Federal wilderness involves the issue of grazing. Grazing is allowed in Federal wilderness areas, and wilderness supporters get exasperated when ranchers complain that Federal wilderness will put them out of business. The problem here is that what Congress can give with one hand, it has allowed Federal agencies to take away with the other. Grazing can be eliminated from Federal wilderness areas without being explicitly banned. Let me explain how.

In the year 1819, Chief Justice John Marshall, in his opinion on the case of McCulloch versus Maryland, said "that the power to tax involves the power to destroy." If he had written that opinion in the 1980's, he would have added that the power to regulate also involves the power to destroy. Ranching is already heavily regulated. The modern West bears little relation to the John Wayne movies full of cattle barons. Nobody gets into ranching to get rich nowadays. Ranching, at least in Nevada, is not a terribly lucrative activity. Most Nevada ranches are owned by people whose families have been in the business for generations, and do it because of tradition, because it is personally rewarding to work on the land rather than in an office, and because it gives them a sense of pleasure to be a productive part of a close-knit, rural community. Federal wilderness imposes new regulations on ranchers. It makes it more expensive and time-consuming to run cattle in Federal wilderness areas. During the meetings I held in Nevada on the issue of Federal wilderness, I uncovered many examples of Federal wilderness regulations causing problems for ranchers. These added regulations can

turn a barely profitable ranching operation into a money-losing venture. You can't afford to lose money year-in and year-out for too many years, and still expect to put your children through college, or even make the payments on your mortgage or other loans. Ultimately, the rancher is forced to sell out, and Congress and the bureaucrats have eliminated grazing from Federal wilderness just as certainly and just as effectively as if there were a statutory ban in the law itself. Ranchers have seen this sort of thing happen to friends in other States, and so they are afraid it is going to happen to them in Nevada.

Supporters of wilderness argue frequently that Federal wilderness designation is necessary to protect the land. They claim that greedy private corporations, usually identified as mining companies, have raped and destroyed the land in the past and are bound to do it again if we don't designate land as official wilderness.

While it is certainly true that there is a lot of mining going on in Nevada, and that each mine does tear up the 100 or 200 acres surrounding it, but advocates of Federal wilderness seem to imply that anybody can just drive 10 or 20 bulldozers up to any mountain of his choice and start tearing the mountain down. Well, maybe that's the way things worked in the 1890's, but we have learned a lot since then. This is the age of the environmental impact statement, the 404 dredge and fill permit, the section 7 endangered species consultation, and dozens of other laws and regulations that require Federal agencies to carefully review and monitor whatever any mining company proposes to do. The plain fact is that no mining company is going to be able to bulldoze any mountain until it has jumped through a lot of regulatory loops which allow plenty of opportunity for public involvement and participation. I might add that this same process allows plenty of opportunity for senatorial intervention, as well. Let me assure my colleagues, as well as Nevada's Sierra Clubbers, that regardless of my reservations about the advantages of official wilderness designation, if anyone were to come up with some sort of scheme to bulldoze the Ruby Mountains or put a resort condominium development up in Arc Dome, this Senator would be leading the charge to prevent it.

Now, I know the Forest Service is doing a good job keeping tabs on Nevada's miners and ranchers and preventing the land from being degraded, because I regularly get complaints from ranchers and miners about what they consider to be the unreasonable demands of overzealous forest rangers. Sometimes the bureaucrats do ask a bit more than is reasonable, but at least the steady stream of complaints shows that the Forest Service is taking pains to protect the land. I therefore reject the idea that Nevada's lands will face some sort of environmental catastrophe if they aren't designated Federal wilderness. This simply won't happen. Not designating an area official wilderness will not result in destruction of the area. The Forest Service will conduct business as usual, and the land will continue to be protected under multiple use. If the Forest Service is not doing a good enough job to protect the land, then the answer is to make it easier for the agency to achieve better management under multiple use, not to exclude people from the land through Federal wilderness designation.

It is so often said that Federal wilderness is good for fish and wildlife. The facts suggest that this doesn't necessarily follow. If we humans consider it preferable to have relatively large numbers of some species, and therefore, necessarily fewer numbers of other species, then Federal wilderness designation can actually be harmful. Nature is always changing, and that means that the sorts of plants and animals that inhabit a given area also change over time.

If we want to preserve one particular plant and animal community over a prolonged period of time, that almost certainly is going to mean taking aggressive management measures to prevent natural ecosystem changes. That means putting in water improvements when the watershed is going through a dry phase. That means removing plants that do not make good forage for animals humans tend to favor like deer and elk, and artificially manipulating habitat so preferred plant foods stay in abundance. If we wish to maintain certain types of trees in our forests, then we must be willing to wage war against insects that periodically invade those forests in vast hordes and would destroy them.

For me, the final proof that Federal wilderness is not necessarily a good thing for fish and wildlife, or at least those fish and wildlife that humans seem to prefer, is the fact that the International Association of Fish and Wildlife Agencies has expressed concern about the impact of Federal wilderness designation on fish and wildlife management programs in Federal wilderness areas. To bring this discussion a little closer to Nevada, let's consider the table Mountain wilderness study area. Table Mountain is the site of a major effort to introduce elk. But in order for the elk to thrive, the Forest Service needs to manage the habitat in ways that would not be possible, or at least extremely difficult, if Table Mountain were to become a wilderness area. The Spring Mountains in southern Nevada is another area where the State is trying to establish an elk population. It hasn't been easy, and any success has resulted from aggressive habitat management, the same sort of habitat management that would be difficult or impossible inside a Federal wilderness. The choice is clear: Federal wilderness or elk.

An important part of any decision-making process, whether it's in government, business, or the playground, is evaluation of the results of one's actions. Unfortunately, government is usually more interested in starting new programs, making more Federal wilderness, than it is looking back to see whether the program actually worked, and whether it had any unexpected negative effects. We have now designated about 90 million acres of Federal wilderness in this country, and yet, as far as I know, no Federal agency has ever evaluated the impact of all that Federal wilderness designation.

Have the less-advantaged elements of our society suffered discrimination as a result of Federal wilderness designation? Has hunting decreased or increased in Federal wilderness? Are fish and wildlife more or less abundant as a result of Federal wilderness designation?

Has visitation in newly designated Federal wilderness areas increased or decreased in comparison to prewilderness levels?

Has employment in communities near Federal wilderness areas increased or decreased?

Has ranching gradually been eliminated from Federal wilderness?

Have areas that were considered for Federal wilderness, but not designated as wilderness, actually been devastated as supporters of wilderness had feared and predicted?

Have active mines been shut down as a result of Federal wilderness designation?

Has the Nation lost important mineral or oil and gas reserves through Federal wilderness designation?

These are just some of the important and legitimate questions that need to be answered, because this Nation is going to be debating Federal wilderness designation for many years to come, in many States across this country, and we can gain a great deal of insight into the effects of our past decisions by examining what has happened in areas that have already been designated wilderness, or that were considered but not designated Federal wilderness. At the appropriate time I plan to do what I can to promote a systematic review and evaluation of past decisions on Federal wilderness designation.

As I mentioned earlier, public opinion in Nevada is definitely divided on the issue of Federal wilderness. The challenge which I have considered over the last few weeks is how to satisfy the desire of Nevadans for wild lands experiences, without imposing

an unacceptable burden of Federal wilderness restrictions.

The people who live in Nevada's rural areas are not ignorant slobs who mindlessly destroy the land. The modern rancher has a college degree in range management or animal husbandry; if he doesn't, you can bet that his son or daughter does. The modern rancher has also usually lived for generations on the land he uses, and has learned from the experiences of his parents and grandparents. The rancher is certainly aware that proper range management is the only way he can survive economically, and so he is not about to destroy the very resource on which his way of life depends. The rancher's respect and affinity for the land must be appreciated by his city cousins; after all, ranchers have shown their commitment to the land by choosing to live and work on it.

Urban supporters of wilderness are often viewed in Nevada's rural areas as wild-eyed extremists who couldn't survive an unescorted weekend in the mountains, either in an official wilderness or an unofficial but just as imposing wild land. This view is also distorted. The urban wilderness advocate has a very genuine affection for the land his rural cousin regularly enjoys. Indeed, the intensity of the city dweller's desire to see wild areas protected is perhaps related to the degree to which he feels isolated from nature in the course of his daily life, as he sits behind a desk or works under a roof that is far removed from the open air of the mountains. The honesty and depth of the feelings expressed by the wilderness supporter deserves to be acknowledged and respected.

Nevadans should make decisions on Federal wilderness designation based on an assessment of what is in the best interest of Nevada.

What's best for California may not be best for Nevada. There is no reason why Nevadans must necessarily have as large a fraction of our State as Federal wilderness as neighboring States. Nevada has nothing to apologize for, and we should not let others dictate to us. Nevadans have the right, and the responsibility, to determine our own future, and we should never acquiesce in the outrageous demands of Congressmen from Georgia or Minnesota that they be allowed to determine how we will live in Nevada.

Designating wilderness is not some sort of race where one State wins and another loses, and creating, Federal wilderness in Nevada will certainly not disuade Congressmen and Senators from Eastern States from their efforts to build a high level nuclear waste repository in our State. We already have unmistakeable proof of this. In 1986, I introduced the bill that created Nevada's first national park, Great Basin, and yet, in 1987, the same Congressmen who want Nevada to have a lot of Federal wilderness, twisted the nuclear waste law to force a nuclear waste repository on Nevada. With friends like these, Nevada doesn't need enemies.

Nevadans should make decisions as to how to manage Nevada's land based on our own needs, not in vain attempts to score points with people from other States. If some people think we need to improve our State's image across the country, then the way to do this is through a properly managed State tourism program, not by changing the color on Nevada's maps from light green indicating national forest, to dark green indicating Federal wilderness.

The bottom line question is where do we designate wilderness and how much do we create there. I feel very strongly that my job is to represent the people of Nevada, and to try to accomplish their desires in Congress. I have always felt that the Government which is closest to the people is likely to be the most familiar with what the people are thinking. I have always been a strong supporter of local control, so I also believe that the people most affected by an issue ought to be given a good deal of deference by the rest of us in deciding how that issue should be addressed by the larger society. For these reasons, I give a great deal of weight to the opinions of local governments with respect to the management of Federal lands within their borders, including the designation of Federal wilderness on those lands.

In the case of wilderness, I also must weigh the fact that the Nevada State Legislature has passed a resolution supporting 132,000 acres of Forest Service wilderness, and additional Federal wilderness at the Desert National Wildlife Range, which is managed by the U.S. Fish and Wildlife Service. Governor Bryan signed that resolution, although I understand he has changed his mind and now favors far more Forest Service wilderness for Nevada. The Nevada League of Counties has also supported the 132,000 acre Forest Service wilderness legislation, and various individual counties have passed their own resolutions concerning Federal wilderness designation within their counties.

Based on what I have heard from the citizens of Nevada, and the State and local governments that represent them, I have looked for areas where the demand for wilderness-type experience may soon outstrip the supply of such areas. I have also looked for areas where Federal wilderness designation might provide an awareness, within the State, of wild land recreation opportunities that are available in some beautiful areas that may now be currently overlooked by most Nevadans. I have tried to steer clear of areas where there is strong local opposition to Federal wilderness, and to thoroughly consider the wilderness potential of areas where there is strong local support for Federal wilderness. I have tried to avoid designating Federal wilderness in areas where Federal wilderness would threaten the economic development or survival of communities within our State, or conflict with the many entirely appropriate nonwilderness recreational opportunities. In particular, I have tried to avoid designating wilderness in areas that would close off roads necessary for hunting and fishing opportunities for Nevadans, or that would prevent needed wildlife management improvements from being pursued as vigorously as possible. I have also generally refrained from recommending wilderness designation for areas that may have significant wilderness characteristics, but that can continue to be protected quite effectively under existing laws and regulations, and where there is no threat anywhere on the horizon to the continued protection of the wild characteristics of these areas. Finally, to the maximum extent practical, I have tried to achieve a regional distribution of Federal wilderness around Nevada.

In the bill I am introducing today, I am recommending Federal wilderness designation for the following areas in Nevada:

9,000 acres at Boundary Peak in Esmeralda County

20,000 acres in the Jarbidge Additions in Elko County

33,000 acres at Mount Charleston in Clark County

70,000 acres at Mount Moriah in White Pine County

18,000 acres of wilderness and

8,000 acres of non-wilderness lands inside a 26,000 National Recreation Area at Mount Rose, Washoe County

262,000 acres at Sheep Peak, Clark County

This brings the total size of my wilderness bill to 420,000 acres of land. I believe that my bill reflects a good regional balance inside Nevada, and includes some of the best quality wild lands in the State. Boundary Peak is the highest mountain in Nevada, and is located in a rugged area in the White Mountains. The Jarbidge Additions expand Nevada's existing Federal wilderness area, which is generally recognized as being one of the most beautiful areas in my State. Mount Charleston is one of the most prized scenic features in southern Nevada. It is an important playground for the people of Las Vegas, providing cool summer refuge from the desert heat. Mount Moriah is a striking natural feature just a few miles from the newly dedicated Great Basin National Park, which was established by a bill I introduced in the 99th Congress. Mount Rose, located adjacent to the unique beauty of Lake Tahoe, is just as important to the people of northwestern Nevada as Mount Charleston

is in the southern part of the State. My bill will create Nevada's second National Recreation Area, in which the Mount Rose Wilderness Area will be a central feature. Finally, my bill designates as wilderness the bulk of the Sheep Range unit of the U.S. Fish and Wildlife Service's Desert National Wildlife Range. The Sheep Peak wilderness is truly the jewel in the crown of the Desert Range. It is home for many of the Desert Bighorn Sheep that live in southern Nevada, and boast beautiful pine forests that lend a refreshing green to the brown hues of the desert.

During the recent meetings I conducted in Nevada, there was a very strong feeling that the delegation should address Federal wilderness for all four Federal land management agencies at once. I have attempted to be responsive to this desire of my constituents by having my bill address Federal wilderness for both the Forest Service and the Fish and Wildlife Service.

I also considered having my bill address National Park Service wilderness in the Lake Mead National Recreation Area. However, there is a potentially serious threat, posed by Federal wilderness designation in the recreation area, in the future water supply of Las Vegas and all Clark County communities that depend on Lake Mead or the Colorado River for their water supply. This threat is the issue of Federal reserved water rights in wilderness areas, which is currently tied up in the Federal courts. If the courts ultimately grant the Federal Government water rights in Federal wilderness areas, and Federal wilderness is designated along the Colorado River, it is entirely possible that the city of Las Vegas would be prevented by that Federal wilderness from using the currently unused portion of Nevada's water allocation under the Colorado River Interstate Water compact. At this time, Nevada only draws upon about half of its water allocation from Lake Mead and the Colorado River. Federal wilderness along the lower Colorado River: Lake Mead, Lake Mohave, Lake Havasu, or further south, could prevent southern Nevada from ever using the other half of the water it is entitled to. Federal wilderness could therefore jeopardize economic growth in Las Vegas, affecting all parts of the southern Nevada economy, and costing jobs. Under the circumstances, I think it is wise to hold off on any Federal wilderness designation in the Lower Colorado River Basin until the important legal issue of water rights in Federal wilderness is settled in the courts.

It will be several years before the Bureau of Land Management has a statewide wilderness recommendation for Nevada, and so it is not yet appropriate for me to address BLM wilderness in my State. However, since the people of Nevada have made the effort to share with me their opinions on Federal wilderness, I feel it is important for me to take as comprehensive a position now as I can, rather than remaining silent for 2 years until the BLM finishes its studies, and waiting an indefinite period of time for the courts to resolve the water rights issue.

There are a number of important policy provisions in this bill, which I hope the Senate will support. I have developed water rights language that I believe protects Nevada's water, and water law, although the pending Federal suit on Federal reserved water rights still leaves some uncertainty. My bill ensures that any forest fire in Federal wilderness can be fought effectively and quickly with the full range of available technology. My legislation reasserts the right of Nevada's Department of Wildlife to use all reasonable techniques to manage fish and wildlife resources inside Federal wilderness areas. The bill makes it clear that the Forest Service is not to impose arbitrary regulations designed to gradually squeeze out Nevada's ranchers from Federal wilderness areas.

The bill prohibits buffer zones around the Federal wilderness it designates, and reasserts the rights of outfitters and guides to operate in Federal wilderness. The bill also makes clear that predator control activities can take place in Federal wilderness, and allows for access to devices to monitor snowpack and precipitation so that proper water management decisions can be made by local officials and private citizens. Finally, the bill releases back into multiple use those Forest Service lands not designated as Federal wilderness.

Mr. President, these policy provisions are just as important as the acreages to be designated Federal wilderness under the bill, and I hope my colleagues will support the entirety of this legislation. I offer this bill in an effort to be responsive to my constituents, respectful to the wishes of the affected local governments, and in a desire to provide Nevadans a lasting opportunity to enjoy nature in carefully selected congressionally designated wilderness areas.

Mr. President, I ask unanimous consent that the texts of Nevada Assembly Joint Resolution No. 1, resolutions from Humboldt, White Pine, and Nye Counties, a resolution from various entities in Elko County, a resolution from the Nevada Association of Counties, a resolution from the city of Reno, a resolution from the Nevada Association of Conservation Districts, a resolution from the National Rifle Association, four affidavits from individual Nevadans, and an article on forest fires in Federal wilderness, from the July 17, 1988 edition of the Washington Post, all be printed in the RECORD immediately following my statement.

Mr. President, I further ask unanimous consent that the text of my bill, the Nevada Federal Wilderness Act of 1988, also be printed in the RECORD, immediately following the material just inserted.

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

S. 2659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, FINDINGS AND PURPOSES

SHORT TITLE

SEC. 101. This Act may be cited as the "Nevada Federal Wilderness Act of 1988".

DECLARATION OF FINDINGS AND PURPOSES

SEC. 102. (a) The Congress finds that—

(1) certain areas of undeveloped national forest lands and national wildlife refuge lands in the State of Nevada possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, be an enduring resource of wilderness for the benefit of the people of the State of Nevada;

(2) review and evaluation of roadless and undeveloped lands in the National Forest System of Nevada have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) review and evaluation of roadless and undeveloped lands in the National Forest System in Nevada have also identified those areas which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of this Act.

(b) The purposes of this Act are to—

(1) designate certain National Forest System and National Wildlife Refuge System lands in Nevada for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land, promote primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the people of the State of Nevada; and

(2) ensure that certain National Forest System lands in the State of Nevada be made available for uses other than federally designated wilderness in accordance with applicable national forest laws and planning procedures and the provisions of this Act.

TITLE II—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

SEC. 201. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890), the following National Forest System lands in the State of Nevada, as generally depicted on maps appropriately referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Toiyabe National Forest, which comprise approximately thirty-three thousand acres as generally depicted on a map entitled "Mount Charleston Wilderness Area—Proposed", dated July 1988, and which shall be known as the Mount Charleston Wilderness.

(2) certain lands in the Humboldt National Forest, which comprise approximately twenty thousand acres as generally depicted on a map entitled "Jarbidge Additions to the Jarbidge Wilderness—Proposed", dated July 1988, and which are hereby incorporated in and which shall be deemed a part of the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act.

(3) certain lands in the Humboldt National Forest, which comprise approximately seventy thousand acres as generally depicted on a map entitled "Mount Moriah Wilderness—Proposed", dated July 1988, and which shall be known as the Mount Moriah Wilderness. Any lands depicted on such map as being within the boundaries of the Mount Moriah Wilderness and which are under the jurisdiction of the Secretary of the Interior shall, upon enactment of this Act, be transferred to the administrative jurisdiction of the Secretary of Agriculture to be administered as components of the national forest system and the National Wilderness Preservation System. The national forest boundary shall be adjusted accordingly.

(4) certain lands in the Inyo National Forest, which comprise approximately nine thousand acres as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated July 1988, and which shall be known as the Boundary Peak Wilderness.

(5) certain lands in the Toiyabe National Forest and the Lake Tahoe Basin Management Unit, within the Mount Rose National Recreation Area established in Title III of this Act, which comprise approximately 18,000 acres of generally depicted on a map entitled "Mount Rose National Recreation Area and Wilderness—Proposed", dated July 1988, and which shall be known as the Mount Rose Wilderness.

SEC. 202. In furtherance of the purpose of the Wilderness Act of 1964 (78 Stat. 890), the following National Wildlife Refuge System lands in the State of Nevada, as generally depicted on a map appropriately referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System: certain lands in the Desert National Wildlife Range, which comprise approximately two hundred sixty-two thousand acres as generally depicted on a map entitled "Sheep Peak Wilderness Area—Proposed", dated July 1988, and which shall be known as the Sheep Peak Wilderness.

LEGAL DESCRIPTION AND WILDERNESS BOUNDARIES

SEC. 203. As soon as practicable after the enactment of this Act, the Secretary of Agriculture for national forest system lands, and the Secretary of Interior for national wildlife refuge system lands, shall file a map and a legal description of each area described in title II and title III with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map be made. Each such map and legal description and map may be on file and available for public inspection in the Office of the Governor of the State of Nevada, the Office of the Chief of the Forest Service, Department of Agriculture, and the Office of the Director of the United States Fish and Wildlife Service, Department of the Interior, as appropriate.

APPLICATION OF THE WILDERNESS ACT OF 1964

SEC. 204. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture, or the Secretary of the Interior, as appropriate, in accordance with the provisions of this Act and the Wilderness Act, except that any reference in the provisions of the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

TITLE III—MOUNT ROSE NATIONAL RECREATION AREA

SEC. 301. DESIGNATION.—For purposes of conserving and protecting scenic, wildlife, biological, educational, and recreational values, certain lands in the Toiyabe National Forest and the Lake Tahoe Basin Management Unit which comprise approximately 26,000 acres, as generally depicted on a map entitled "Mount Rose National Recreational Area and Wilderness—Proposed," dated July 1988, are hereby designated the Mount Rose National Recreation Area (hereinafter in this title referred to as "the area").

SEC. 302. MAP.—The Secretary of Agriculture shall file the map referred to in section 301 with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such map shall have the same force and effect as if included in this Act; except that correction of clerical and typographical errors in such map may be made. The map shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, and the Office of the Governor of the State of Nevada.

SEC. 303. ADMINISTRATION.—(a) The Secretary of Agriculture shall administer the area so as to achieve the purposes of its designation as a national recreation area in accordance with the laws and regulations applicable to the National Forest System.

(b) Subject to valid existing rights, all federally owned lands within the area are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(c) The area shall be closed to the harvesting of timber, except that the Secretary of Agriculture may take measures to reduce the effects of fire, insects and disease, and to enhance wildlife populations.

(d) The lands within the area designated as wilderness on the map referred to in section 301 shall remain roadless and be closed to motorized use, except that the Secretary of Agriculture may authorize the use of motorized equipment and transportation for fire suppression, search and rescue operations, and other emergencies.

(e) Off road vehicle use on lands in the area not designated as wilderness on the map referred to in section 301 shall be confined to trails and areas designated by the Secretary of Agriculture, but such trails and areas shall not exceed those for which off road vehicle use was authorized as of the date of this Act.

TITLE IV—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

SEC. 401. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest roadless areas in Nevada and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Nevada, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to the national forest lands in the State of Nevada which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d) upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 (Public Law 93-378), as amended by the National Forest Management Act of 1976 (Public Law 94-588), to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referred to in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas shall not be managed to maintain their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation shall not be managed for the purpose of maintaining their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of maintaining their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland

Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) Those National Forest System roadless areas, or portions thereof in the State of Nevada, which were identified by unit plans listed at the end of this paragraph, which are not designated as wilderness by this Act:

National Forest	Unit Plan
Humboldt...	Santa Rosa
Humboldt...	Ruby Mtns./East Humboldt
Toiyabe.....	Mount Charleston
Toiyabe.....	Central Nevada

(2) National Forest System roadless lands in the State of Nevada which are less than five thousand acres in size.

TITLE V—MISCELLANEOUS PROVISIONS

GRAZING IN WILDERNESS AREAS

SEC. 501. (a) Within the wildeness areas designated by this Act, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in section 4(d)(4) of the Wilderness Act and section 108 of Public Law 96-560.

(b) The use of motorized equipment for the maintenance and care of livestock and supporting facilities, especially water developments, related to grazing activities shall be continued in wilderness areas in the State of Nevada. Such use of motorized equipment shall be expressly authorized in individual grazing permits or allotment management plans for the area involved, or by agreement with the wilderness management plans for the area involved, or by agreement with the wilderness management agency.

(c) The construction, materials for construction, and maintenance of water developments in lands designated wilderness by this Act shall be regulated in the same manner as would be the case were such lands not designated wilderness.

STATE WATER ALLOCATION AUTHORITY

SEC. 502. (a) Within the State of Nevada, nothing in the Wilderness Act nor this Act nor any other legislation designating lands as wilderness shall constitute or be construed to constitute either an express or implied reservation of water or water rights for any purpose. The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness or special management areas pursuant to the substantive and procedural requirements of the laws of the State of Nevada. This section shall not affect any reserved water right which the United States may have previously acquired within the State of Nevada with respect to any lands designated as wilderness by this Act or any other Act for the primary purposes for which such lands had been originally withdrawn from the public domain.

RETENTION OF ROADS IN WILDERNESS AREAS

SEC. 503. (a) For the purposes of this Act, any parallel track, together with an area fifty feet on each side of the centerline of such track, which—

(i) was in use, prior to the date of enactment of this Act, by motorized vehicles licensed for highway use by the State of Nevada, and

(ii) appears to be located within an area designated wilderness by this Act,

is hereby defined as a road.

(b) The designation of national forest system lands as wilderness in Title II of this Act does not include any roads as defined in subsection (a) of this section, and the Secretary of Agriculture shall indicate any such roads on the maps and shall revise the boundaries on such maps to exclude such roads from wilderness as required in section 203 of this Act.

(c) Within 60 days of the date of enactment of this Act the Secretary of Agriculture shall provide adequate notice and conduct a public meeting in a community adjacent to each area of national forest designated wilderness by this Act in order to facilitate the identification of any roads that need to be excluded as provided in subsection (b) of this section.

STATE FISH AND WILDLIFE AUTHORITY

SEC. 504. (a) As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

(b) Nothing in this Act shall be construed as limiting the ability of the Nevada Department of Wildlife, in consultation with the affected federal land management agency, from carrying out the following activities within lands designated wilderness by this Act:

(1) Fish and wildlife research and management surveys and population sampling, including the reasonable use of helicopter, fixed wing aircraft, and motorized vehicles useful in the conduct of this scientific work.

(2) Facility development and habitat alteration, including the maintenance operation, or creation of flow maintenance dams, water developments, water diversion devices, and associated structures necessary for fish and wildlife conservation. Clearing of debris impeding movement of fish on spawning streams shall be permitted. Motorized equipment may be used, when necessary, to accomplish the purpose of this paragraph.

(3) Stocking or transplanting of fish or collection of fish spawn, is permitted if the purpose is to accomplish at least one of the following objectives:

(i) reestablishment or maintenance of indigenous species;

(ii) recovery of threatened or endangered species; or

(iii) maintenance or enhancement of recreational values associated with indigenous or exotic species, such as rainbow trout, as identified in the applicable wilderness management plan.

(4) Chemical treatment of waters is permitted when the purpose is to accomplish at least one of the following objectives;

(i) reestablishment of native species;

(ii) recovery of threatened or endangered species; or

(iii) corrections of undesirable conditions resulting from human influence.

(5) Removal, reintroduction, or supplemental transplants of terrestrial wildlife species, including the necessary use of motorized vehicles to perform this work, shall be permitted if:

(i) the status of threatened or endangered species would be enhanced; or

(ii) a population of a native species eliminated or reduced by acts of man would be restored or enhanced; or

(iii) maintenance or enhancement of recreational values associated with indigenous or exotic species, such as Hungarian partridge, as identified in the applicable wilderness management plan would result; or

(iv) other significant wilderness values would not be impaired.

(6) Control of problem wildlife shall be permitted to:

(i) reduce depredations on other wildlife and domestic livestock;

(ii) remove animals creating a public nuisance related to human interests;

(iii) prevent transmission of diseases or parasites affecting other wildlife or humans; or

(iv) abate conflicts with native species, particularly if those native species are endangered or threatened.

PROHIBITION OF BUFFER ZONES

SEC. 505. (a) No protective perimeters or buffer zones around any wilderness areas are necessary or authorized to protect any wilderness areas within the State of Nevada or may be established pursuant to this or any other law. The fact that nonwilderness activities or uses can be seen or heard from within any wilderness area shall not preclude such activities or uses up to the boundary of the wilderness area.

(b) Any air quality redesignation shall remain the prerogative of the State of Nevada as provided in section 164(a) of the Clean Air Act.

(c) It is the intent of Congress that wilderness designation shall not in itself provide for protection under the visibility provision or any other provision of the Clean Air Act (94 Stat. 2305), the Secretary of the Interior shall continue to make assessments of the mineral potential of national forest wilderness areas in the State of Nevada on a recurring basis, consistent with the concept of wilderness preservation, in order to expand the data with respect to the mineral potential of such lands.

MINERAL RESOURCES

SEC. 506. (a) In furtherance of section 4(d)(2) of the Wilderness Act and the policies of the National Materials and Minerals Policy, Research and Development Act (94 Stat. 2305), the Secretary of the Interior shall, and the State of Nevada may, continue to make assessments of the mineral, oil and gas, and geothermal potential of national forest wilderness areas in the State of Nevada on a recurring basis, consistent with the concept of wilderness preservation, in order to expand the data base with respect to the mineral potential of such lands.

(b) The use of motorized equipment for transportation, construction, and earth moving purposes and the construction of facilities related to development and mining of valid mining claims located prior to the date of enactment of this Act is permissible in Nevada. Reasonable access by road shall be permitted.

WATERSHED PROTECTION AND SNOWPACK MONITORING

SEC. 507. (a) Nothing in this Act shall be construed to limit motorized access and road maintenance by the State of Nevada and local municipalities for those maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist or which may be necessary in the future to prevent the degradation of the water supply in such wilderness

areas within the State of Nevada, subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture, or the Secretary of the Interior, as appropriate.

(b) Within the wilderness areas designated by this Act, the provisions of the Wilderness Act shall not be construed to prevent the installation, maintenance, and use of hydrologic, metorologic, climatological, geologic, or telecommunications facilities, or any combination of the foregoing, or motorized access to such facilities when nonmotorized access means are not reasonably available or when time is of the essence, subject to such environmental safeguards as the Secretary of Agriculture for national forest system lands, or the Secretary of the Interior for national wildlife refuge system lands, deem desirable, where such facilities or access are essential to flood warning, flood control, snowpack monitoring, and water reservoir operation purposes, or for conducting essential surveys and tests.

(c) As provided in section 4(d)(1) of the Wilderness Act, such measures may be taken within wilderness areas designated by this Act as may be necessary in the control of insects and diseases, subject to applicable laws and such additional reasonable conditions as the Secretary of Agriculture for national forest system lands, or the Secretary of the Interior for national wildlife refuge system lands, deems desirable. This shall include the use of herbicides for plant and noxious weed control and the practice of reseeding a badly damaged area.

PREDATOR CONTROL AUTHORITY

SEC. 508. Nothing in this Act shall limit or affect the current jurisdiction or responsibilities of the Federal Government, in cooperation with the State of Nevada, with respect to predator control activities in national forest wilderness areas in Nevada.

GUIDES AND OUTFITTERS

SEC. 509. (a) Nothing in this Act shall be construed to limit appropriate present or future activities of guides and outfitters inside areas designated as wilderness by this Act, subject to reasonable terms and conditions of permits issued by the appropriate federal land management agency.

(b) Permits may be transferred from a permittee to any person who acquires the business of the permittee.

(c) Subject to a rule of practical necessity and reasonableness, permittees may use motorized vehicles in areas designated wilderness by this Act only for the purpose of maintaining and operating guide-related facilities or in emergency situations to protect human life.

(d) Permittees may use horses in their operations, utilize chainsaws to maintain passable trails, move base and spike camps as necessary, and maintain base camps for the duration of the applicable season.

(e) The Secretary of Agriculture shall not prohibit the continuance of any commercial outfitting and guide camps and practices subject to this section without the express written concurrence of the agency of the State of Nevada charged with the regulation of the outfitting and guide industry.

ARCHEOLOGICAL AND CULTURAL RESOURCES MANAGEMENT

SEC. 510. (a)(1) The Secretary of Agriculture shall cooperate with the Secretary of the Interior and with the State of Nevada in conducting a cultural resource management program within the national forest system lands designated wilderness by this Act.

(2) Such a program shall have as its purposes the protection of archeological sites and interpretation of such sites insofar as these activities are compatible with the preservation of the values for which the wilderness was designated.

(3) The Secretary of Agriculture shall develop a cultural resources management plan for national forest system lands designated wilderness by this Act. Such a plan shall—

(A) encourage scientific research into man's past use of the areas designated;

(B) provide an outline for the protection of significant cultural resources, including protection from vandalism and looting as well as destruction from natural deterioration;

(C) be based on adequate inventory data, supplemented by test excavation data where appropriate;

(D) include a public interpretation program; and

(E) comply with all Federal and state historic and cultural preservation statutes, regulations, guidelines and standards;

(F) allow for motorized access, including the use of helicopters, to archeological sites for research purposes, when reasonably necessary for the timely and efficient conduct of scientific field work.

(b)(1) Within two years from the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a report on:

(A) the location of cabins and other structures within lands in the national forest system designated wilderness in this Act;

(B) their historic significance, if any;

(C) their present condition;

(D) recommendations as to which of these structures should be stabilized, restored, maintained, or removed;

(E) the estimated cost of such stabilization, restoration, maintenance, or removal; and

(F) the suitability of any of these structures for inclusion in the National Register of Historic Places.

(2) The Secretary of Agriculture shall not alter any cabin or other structure on national forest system lands designated wilderness by this Act until 90 days after the submission to the Congress of the report provided for in this subsection.

FIRE FIGHTING

SEC. 511. Notwithstanding any other provision of law, the appropriate federal land management agencies, in cooperation with the State of Nevada, affected units of local government, and appropriate private parties, are authorized and directed to fight wildfire in lands designated wilderness by this Act using all available means, including use of mechanical equipment, motorized vehicles, helicopters and fixed wing aircraft, in the same way fire would be fought in these areas were they not designated wilderness by this Act.

LAND ACQUISITION

SEC. 512. The Secretary of Agriculture shall—

(a) promptly inventory all parcels of land within areas designated wilderness by this Act to identify those parcels which are not owned by the Federal Government; and

(b) where such lands are privately held, shall seek to acquire such lands by purchase on a willing buyer-willing seller basis, donation, or exchange.

WILDERNESS DISCRIMINATION AGAINST THE HANDICAPPED

SEC. 513. (a) The Secretary of Health and Human Services, in consultation with the Administrator of the Veterans Administration, shall submit a report to the Congress not later than six months after the date of enactment of this Act on the restrictions on access to federally designated wilderness areas and other impediments to the use, and availability, of federally designated wilderness areas by individuals with handicaps, the elderly, and disabled veterans.

(b) The report required in subsection (a) of this section shall examine the loss of recreational opportunities and discrimination which results from prohibitions against vehicular access to federally designated wilderness areas.

(c) As used in this section, the term "individual with handicaps" has the same meaning given that term under section 7 of the Rehabilitation Act of 1973.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, The citizens of the State of Nevada have a tremendous respect for its lands and strongly support the wise use and conservation of its natural resources; and

Whereas, Nearly 87 percent of the land in this state, including over 4,000,000 acres which have been withdrawn from use by the general public, is controlled by various agencies of the Federal Government and, therefore, the state is particularly vulnerable to decisions regarding the use of land which are made by federal agencies and not the people or elected officers of the state; and

Whereas, The economic well-being of this state, particularly some of its more rural communities, is heavily dependent on access to, and use of, the federal public lands for mining and ranching; and

Whereas, The future of mining in this state is dependent upon the availability of federal lands and the loss of areas with potential for the production of minerals would be harmful to this state and the nation; and

Whereas, The Congress of the United States now is reviewing proposed legislation which would designate as wilderness approximately 136,900 acres in this state, including portions of Mount Charleston, Mount Moriah, Boundary Peak and additions to the existing Jarbidge wilderness area; and

Whereas, In addition to these areas, there is general support in this state for the designation of an additional 1,322,900 acres as wilderness in the Desert National Wildlife Range; and

Whereas, There l as been a considerable amount of public discussion in Nevada regarding designations of wilderness areas and there is a general consensus supporting the designation of those areas as wilderness; and

Whereas, The committee on public lands of the Nevada legislature is a permanent entity of the legislature and is empowered to review and comment on proposals affecting public lands under the control of the Federal Government, and in this respect the committee serves as an official liaison between the Nevada legislature when the legislature is not in session and the Congress of the United States; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly. That this legislature urges the Congress of the United States to designate as wilderness portions of Mount Charleston, Mount Moriah, Boundary Peak, and the Jarbidge area, as identified

in federal legislation now pending in Congress, and be it further

Resolved, That the Congress of the United States is urged to designate as wilderness those portions of the Desert National Wildlife Range which have been recommended for designation as wilderness by the United States Fish and Wildlife Service; and be it further

Resolved, That the Congress of the United States is urged to keep the committee on public lands of the Nevada legislature informed of additional discussions regarding potential designations of wilderness in the State of Nevada; and be it further

Resolved, That the legislative counsel shall forthwith transmit copies of the resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada congressional delegation, the Secretary of Agriculture, the Secretary of the Interior, the chairman of the Subcommittee on Public Lands and National Parks of the United States House of Representatives, the chairman of the Subcommittee on Public Lands and Reserved Water of the United States Senate, the chief of the United States Forest Service and the director of the Bureau of Land Management.

RESOLUTION NO. 1-6-86

Whereas, Nevada currently has a Wilderness Area designated Jarbidge Wilderness, which comprises 64,667 acres; and

Whereas, the additions proposed by Senators Laxalt and Hecht and Representative Vucanovich would increase the area designated Wilderness to 132,000 acres; and

Whereas, any additional designation in Nevada over that proposed by Senators Laxalt and Hecht and Representative Vucanovich would create unreasonable, adverse impacts on the residents of Nevada; and

Whereas, the adverse impacts of additional Wilderness designation in Nevada over that proposed by Senators Laxalt and Hecht and Representative Vucanovich include, but are not limited to the following: deterioration of Nevada economy, severe curtailing of livestock grazing, restrictions on water rights, reduction in ranching, reduction in mining, and reduction in recreation; and

Whereas, because of the above stated adverse impacts that would be imposed on Nevada residents with an additional designation of Wilderness over that proposed by Senators Laxalt and Hecht and Representative Vucanovich, the reasons supporting only the addition to Wilderness in Nevada as proposed by Senators Laxalt and Hecht and Representative Vucanovich are reasonable and the action is herein justified: Now therefore, it is hereby

Resolved by the Board of County Commissioners of Humbolt County, Nevada, as follows: to-wit:

1. The additional Wilderness proposed by Senators Laxalt and Hecht and Representative Vucanovich is supported.

2. Any additional Wilderness in Nevada over that proposed by Senators Laxalt and Hecht and Representative Vucanovich is opposed.

OFFICE OF WHITE
PINE COUNTY CLERK,
Ely, NV., September 28, 1987.

Hon. CHIC HECHT,
U.S. Senator, Senate Office Building, Washington, DC.

DEAR SENATOR HECHT: During your recent visit to White Pine County, one of the concerns discussed was designation of wilderness areas.

The consensus of the community is that the existing laws protect these areas but do not cripple any future economic development.

The White Pine County Board of Commissioners adopted a resolution in 1981 opposing the designation of wilderness areas.

The Board of Commissioners, at its regular meeting held September 23, 1987 reaffirmed its opposition to wilderness areas by adopting the enclosed resolution.

Your assistance in making your constituents aware of the need to be flexible and still be able to maintain protection of these areas is appreciated.

The residents in areas such as ours, are well aware of the scenic beauty our state has to offer. This is one of the reasons the citizens have chosen to reside in this environment.

On behalf of the Board of County Commissioners, I would like to extend its appreciation for your support.

Sincerely,

For the Board of County Commissioners,
MARY SUE JOHNSON,
Clerk of Said Board.

RESOLUTION NO. 87-14

Whereas, White Pine County has within its boundaries several wilderness study areas upon both Bureau of Land Management and United States Forest Service lands; and

Whereas, any wilderness designation will tend to limit potential development essential to the welfare of county residents; and

Whereas, existing law and regulation afford adequate protection for undesignated wild, scenic and primitive areas under multiple-use practices; and

Whereas, the White Pine County Board of Commissioners wish to protect its economic well being in harmony with present environmental protection; and

Whereas, the White Pine County Commission adopted Resolution No. 81-90, December 23, 1981 opposing the designation of wilderness areas; and

Whereas, the White Pine County Commission reiterate through this resolution, its opposition to restraints placed on areas designated as wilderness; Now, therefore, be it

Resolved, That the White Pine County Commission dislikes the continued study of wilderness study areas, strongly opposes recommendations by the United States Department of Interior, and/or designation by Congress of any wilderness areas in or near White Pine County and favors continued practices of "multiple-use in a literal sense".

RESOLUTION NO. R88-1

Whereas, the Board of County Commissioners of the County of Nye, State of Nevada, is in an ideal position to assess the impact on the residents of Nye County by designation of wilderness areas in their County;

Now, therefore, be it resolved, That the Board of County Commissioners of the County of Nye, State of Nevada, who support the basic concept of wilderness, is opposed to any designation of wilderness areas in Nye County, Nevada, until such time as all government review and public input have been completed. Such review must include the social and economic impacts of designated wilderness upon the citizens of Nye County, Nevada.

Be it further resolved, That Nye County should be a full partner in the selection of any designated wilderness within Nye County, and that any area proposed for designation as a wilderness area should meet all the criteria of the Wilderness Act of 1964, Public Law 88-577, 78, Statute 890.

A JOINT RESOLUTION OF THE ELKO COUNTY RECREATION BOARD, THE ELKO COUNTY COMMISSIONERS, THE CITY OF ELKO, THE CITY OF WELLS, THE CITY OF CARLIN, THE ELKO CITY-COUNCIL CIVIC AUDITORIUM AUTHORITY, AND THE NORTH EAST NEVADA DEVELOPMENT AUTHORITY

Whereas, the Elko County Recreation Board convened its regularly scheduled monthly meeting on May 22, 1986, and at the same time and place the Elko County Commissioners convened a special meeting on behalf of the County of Elko, the Board of Supervisors of the City of Elko convened a special meeting on behalf of the City of Elko, the Board of Councilmen of the City of Wells convened a special meeting on behalf of the City of Wells, the Board of Councilmen of the City of Carlin convened a special meeting on behalf of the City of Carlin, the Board of Governors of the Elko City-County Civic Auditorium Authority convened a special meeting on behalf of the said Authority, and the Board of the North East Nevada Development Authority convened a special meeting on behalf of said Authority; and

Whereas, a discussion was held regarding the two United States Congress bills which would designate further wilderness area within Elko County, Nevada; and

Whereas, Elko County currently has a wilderness area designated at the JARBIDGE WILDERNESS AREA which comprises 64,667 acres, and any additional wilderness designation in Elko County would be an unreasonable imposition on the recreational and economic interests of the residents of Elko County; and

Whereas, each political subdivision, upon a motion duly made and seconded and unanimously passed, the following joint resolution was adopted: Be it

Resolved and ordered, That the Elko County Recreation Board, the Elko County Commissioners, the City of Elko, the City of Wells, the City of Carlin, the Elko City-County Civic Auditorium Authority and the North East Nevada Development Authority oppose any further designation of wilderness by the United States Federal Government in Elko County, Nevada.

RESOLUTION NO. 10-85, REGARDING DESIGNATION OF WILDERNESS AREAS IN NEVADA BY THE UNITED STATES CONGRESS

Whereas, all of Nevada's counties will be directly or indirectly affected by any Nevada Wilderness Protection Act passed by the Congress of the United States: Now, therefore, be it

Resolved, by the Nevada Association of Counties to endorse and support S. 722 and H.R. 1686 introduced by the Nevada Congressional Delegation creating 136,900 acres of national wilderness area in Nevada.

Passed, approved, and adopted this 21st day of September 1985 by the following vote of the full Board at their Annual Business Meeting in Minden, Nevada.

RESOLUTION NO. 4153

Whereas, Mt. Rose is an integral part of Reno's character: it is twelve miles from the City limits: the Carson Range, of which it is a part, forms the national southwest boundary of Reno; it is a major watershed for the Reno area, providing snow-fed mountain streams that bring water to Reno throughout the long, dry Nevada summers; it makes a beautiful backdrop of extensive pine forests and snow-covered peaks for our community; and

Whereas, Mt. Rose retains a surprisingly wide diversity of natural opportunities: hiking trails, trout fishing streams, deer and bird hunting, dense pine forests, deep snow in winter for sports, and excellent opportunities for solitude; and

Whereas, Mt. Rose is ecologically significant in providing summer and winter range for large deer herds as well as homes for mountain lions, eagles, and other large predatory birds; and

Whereas, Reno is one of the nation's fastest growing urban areas, the need to preserve Mt. Rose is crucial to maintaining our community character, protecting our valuable water resources, enhancing our city's image, preserving unlimited natural recreational opportunities, and ensuring future citizens the same precious natural heritage that we received.

Now therefore, the City Council of the City of Reno do resolve to endorse the consideration of Mt. Rose/Carson Range Area as a wildreness area, specifically excluding private lands and all public and private lands included in the MPR for Galena Resort as approved by Washoe County.

NEVADA ASSOCIATION OF CONSERVATION DISTRICTS—RESOLUTION NO. 1, 1986

Whereas, sno-tel and other conservation and water measurement sites have been in place before most wilderness areas were established,

Whereas, sno-tel and other conservation and water measurement sites have been an important part of water forecasting for several years as an aid to farmers, ranchers, and municipalities,

Whereas, access by road (helicopter and fixed wing aircraft) is essential for continued maintenance and operation of sno-tel and other conservation and water measurement sites,

Now therefore, be it resolved, that the Nevada Association Of Conservation Districts urges the State of Nevada and all government agencies responsible for drafting the rules and regulations governing wilderness areas in the State of Nevada to allow for and guarantee land and air access to all sno-tel and other conservation and water measurement sites now in place and those later installed on all wilderness areas in the State of Nevada.

APRIL 1987 RESOLUTION OF THE BOARD OF DIRECTORS OF THE NATIONAL RIFLE ASSOCIATION

Whereas, Lawful hunting has been significantly curtailed by certain unreasonable regulations adopted as a result of the expansion of the National Wilderness System and National Park System; and

Whereas, These arbitrary and capricious regulations in fact do not promote the interests of wildlife conservation or the responsible public enjoyment of wilderness lands, contrary to the intent of Congress; and

Whereas, The National Rifle Association of America in fulfillment of its purposes to promote hunting and the conservation and wise use of our renewable wildlife resources has become increasingly concerned with this abridgement of the rights of law abiding citizens; now, therefore, be it

Resolved, That the National Rifle Association of America opposes any further expansion of the National Wilderness System and National Park System and implementing regulations that do not adequately recognize and preserve existing hunting access and opportunities; and, be it further

Resolved, That the National Rifle Association of America supports the restoration of hunting access and sound wildlife management practices in such areas where they have been improperly curtailed.

AFFIDAVIT OF VERNON W. AGEE

I am 52 years old and I have ranched in Idaho all of my life. My family had a grazing allotment adjoining a Wilderness area which was created in 1964.

After the creation of the Wilderness area the Forest Service began increasing the restrictions on our grazing operation, making changes in our periods of use and reducing the number of cattle we were permitted to graze. The Forest Service discontinued one allotment due to the proximity of the Wilderness area.

There were 13 different ranchers who grazed either in the Wilderness area or in the adjoining area. They were all treated the same way as a result of the Wilderness. None of them presently graze livestock in that area.

AFFIDAVIT OF JULIAN GOICOECHEA

I am Julian Goicoechea, 72 years old and have been a Nevada rancher all of my life.

In 1985 in the Charleston area of Northern Elko County, we repaired an old existing road just enough to get by and to move a sheep camp to the old Kincade homestead, which had been deeded property in the 1930's and which had been fenced and had buildings put on it. There were no signs on either end of the road which leads to the springs where the house formerly was. We built 3 small ponds near where the buildings were, which were left open to wildlife or other stock. I did not have this done for malice in repairing as no one had told me that the ground was not still deeded. I had the work done and knew nothing of this until confronted by a U.S. Marshal. I was informed that I had been in trespass on a Wilderness study area.

This road had been used by vehicles of one kind or another for the past 50 years, including deer hunters. We were forced to go back and make the road impassable and fill in the ponds so they were of no use to any animal or wildlife and to reseed at our expense and were fined $3,000.00.

AFFIDAVIT OF FRED DRESSLER

1. That I am an 87 year old rancher. I operate a family ranch with the main headquarters in Gardnerville, Nevada.

2. Our family has been grazing cattle on lands now the Toyabe National Forest just across the Nevada border in California since 1860.

3. In that area we have been using three reservoirs that were built in 1893 by Chinese labor. Our family and three other families use this water for irrigation.

4. In about 1964 this area was designated Wilderness by Congress.

5. The Forest Service as a result of the Wilderness designation now prohibits my family and my neighbors from maintaining these reservoirs as we had previously. We are prevented from using any of our motorized ranch equipment or the roads that were there and roads that had been used for over 90 years.

6. We are now required to haul our Fresnoe Scraper, Lumber, cement, etc., in by helicopter. The helicopter is not allowed to land.

7. The helicopter costs us in excess of $300.00 per hour and the labor costs to repair the reservoirs have soared since all the repairs must be done with horsedrawn equipment and hand equipment.

8. We are not allowed to use chain saws or any other mechanical equipment to repair the reservoirs.

9. This inflicts an unnecessary, ridiculous burden on our operation seriously impairing the operation and maintenance of our water rights and reducing the value of the ranch that our family has developed.

AFFIDAVIT OF LOYD SORENSEN

(1) I am a Nevada rancher. I have been ranching in Nevada since 1936 and previous to that I was ranching in Utah. I was born in Utah in 1900.

(2) My family ranching operation includes Federal grazing rights. In the allotments we have, we utilize roads which have been used for over 70 years by ranchers, hunters and campers. Periodically, since 1939, those roads have been repaired with mechanical equipment.

(3) Now that those roads have been included in Wilderness study areas, the Federal Government now prevents my family from repairing certain of those roads which they call "ways". We are now unable to haul water to our livestock or to move our sheep camps on those roads. On other roads the Federal Government has granted us the right to repair them but prohibits us from using mechanical equipment and we must repair them with pick and shovel only.

(4) In the Wilderness study areas the Federal Government now prohibits any trapping or hunting of predators, thus preventing my family from protecting our livestock as has been done for livestock in this area for in excess of 100 years.

(5) These Wilderness restrictions and prohibitions placed on my family by the Federal Government reduces our ability to graze our livestock, reduces the value of our ranch, and reduces the quality of our lives.

[From the Washington Post, July 17, 1988]

INTERFERING WITH NATURE BECOMES BURNING ISSUE—SHOULD FIREFIGHTERS DOUSE NATURAL BLAZES?

(By Geoffrey O'Gara)

TETON WILDERNESS, WYO.—John Baglien, ranger from the Buffalo district of the Bridger-Teton National Forest, watched from a rock shelf on a pass above Pacific Creek last week as a forest fire burned toward a tangle of fallen trees below.

Baglien was tracking what had begun as a small lighting-sparked fire and was growing into the largest fire in recent years in this forest on the southern edge of Yellowstone National Park. There on the ridge, he grappled with an issue central to the nation's wilderness system: How far should he let the "natural" process of fire go before setting aside the wilderness dictum of non-interference and sending in firefighters?

On Friday night, Bridger-Teton supervisor Brian Stout, advised by a team of firefighting experts, decided to send in crews to try to contain the rapidly growing blaze. But Baglien, as he watched the fire two days

earlier from a few hundred yards distance, talked calmly about the risks and value of letting nature do its own housecleaning.

"If it gets into that heavy blowdown," said Baglien, pointing to the mass of fallen trees running up into the pass, "it'll take out quite a chunk. But, really, that may be a desirable resource option. Natural fire may be the best way to clean up a mess like this."

The "mess" was an enormous swath of fallen timber caused by a phenomenal wind storm a year ago. On July 21, 1987, winds as high as 200 mph cut a path 23 miles long and, in places, two miles wide through the wilderness. Months later, meteorologist Theodore Fujita of the University of Chicago identified the wind as the highest altitude tornado ever recorded, according to Fred Kingwill, of the Bridger-Teton National Forest.

Local loggers saw the blowdown as a chance for timber salvage operations that could bolster sparse timber supplies in the area, much of which is protected as wilderness or is considered too fragile for heavy logging. Forest officials, backed by wilderness advocates, insisted that nature be allowed to take its course, noting that in any case it would take an act of Congress to build roads and enter the wildernes with logging equipment.

This week, nature chose a rather harrowing course, as the fire Baglien had watched charred more than 9,000 acres and forced Baglien and his horsepacking party out of the forest. The question of how much management is good for wilderness again became a burning issue in the Bridger-Teton National Forest.

Despite his decision Friday to order in firefighters, forest supervisor Stout initially supported Baglien's hands-off approach to the fire. Stout said Friday morning he was prepared to reverse that position if there was a significant risk to human safety or adverse impact on wildlife.

Others viewed the current fire as the unnecessary result of rigid wilderness management. Hubert Henderson, representing a group that supports a failing sawmill in a nearby town, this month delivered to the Wyoming congressional delegation a petition with 3,000 signatures demanding an effort to harvest the fallen timber. "We predicted the fire could be a problem," he said. "The blowdown would have fit very nicely in the timber products industry."

Harold Turner, a Teton valley outfitter who takes hunting and fishing parties into the Teton wilderness, has already lost two of three camps to the flames. "It should have been put out early, when it would have been easy," he said. "With the weather like this, there is the potential for a really catastrophic fire."

By Mr. SIMON (for himself and Mr. METZENBAUM):

S. 2660. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992 for transitional living projects; to the Committee on the Judiciary.

HOMELESS YOUTH TRANSITIONAL LIVING ACT

● Mr. SIMON. Mr. President, I rise today to introduce a bill to address the growing problem of homeless youth. Seven percent of our Nation's youth run away and never return home.

Homeless youth are adolescents thrown out or forced to leave home with no place to go except the street. Unlike runaways these teenagers cannot realistically return home. The tragedy of this situation is illustrated by the comments published in Newsweek of a San Francisco youth counselor who indicated that 68 percent of the parents he contacted to let them know that their child wished to go home replied, "You keep the kid."

The children leave for a variety of reasons for which there is no immediate solution: economic hardship, extreme neglect or desertion, physical and sexual abuse—including rape and incest—parental drug or alcohol addiction, and serious mental health problems.

Although there is no national data base, the Department of Justice Office of Juvenile Justice and Delinquency Prevention estimates that there are 1.4 to 2.4 million homeless youth across the country. This is not a problem that affects just one segment of society. Homeless youth come from wealthy suburbs, urban ghettos, and rural communities. According to the Chicago Coalition for the Homeless, there are an estimated 17,500 homeless youth in Chicago. Testimony before the House Select Committee on Children, Youth and Families indicates an estimated 20,000 in New York; in Boston, 3,500. In Houston one-third of the homeless population are youths. Cleveland, Los Angeles, Minneapolis, New Orleans, Portsmouth, Providence, Salt Lake City, and Seattle all reported increases in homeless youth according to the December 1987, U.S. Conference of Mayors Report.

Once the children are on the street they are forced to turn to stealing, selling drugs, and prostitution to survive. One in three kids turn to prostitution within 48 hours of leaving home, and an extremely high percentage of homeless youth contract AIDS. They are beaten by pimps, suffer from malnutrition and exposure, and resort to drugs and alcohol to escape, if only briefly, from their grim world.

Homeless youth between the ages of 16 and 21 face special problems. They are in a legal no-man's land. They are not old enough to live independently, and lack education or vocational skills which would enable them to get off the street. They are too young for adult shelters, but too old for the foster care system.

Again the figures demonstrate the extent of the problem. In Chicago there are 1,500 emergency shelter beds for 25,000 homeless adults. There are only 30 emergency shelter beds for 4,000 youth under 18. In Los Angeles there are only 70 emergency beds. In 1 year almost 4,000 children were turned away from Los Angeles shelters because there wasn't enough room.

The goal of the Homeless Youth Transitional Living Act is to fill this void and create a safety net for homeless youth between the ages of 16 and 21. The act would create a $5 million grant program for community based programs previously successful in providing the services and training to enable homeless youth to become independent adults. The goal of the program is to provide shelter and a variety of services such as education and vocational counseling and training in basic life skills such as balancing a checkbook and holding down a job. The act would give homeless youth an alternative to the street by teaching them the basic skills they need to survive on their own.

Without successful intervention, youth who do not get help can easily become mentally ill, part of the adult criminal network, dependents of our public welfare systems or die anonymously of disease or a drug overdose.

In a recent poll the American public indicated that our Nation's children are a top legislative priority. Congress must make our children a top priority as well. Without us they have no hope and we forfeit the brightest promise for our future. By passing this legislation we take an important step in addressing one of the most potentially devastating problems facing this Nation, our homeless youth. ●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2661. A bill relating to the tariff treatment of certain entries of digital processing units; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN DIGITAL PROCESSING UNITS

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of a bill introduced by my distinguished colleague and friend, the senior Senator from New York. This bill is intended to correct a mistake made by the U.S. Customs Service in the classification of "motherboards" for personal computers.

A similar bill, H.R. 4493, was introduced in the House by Representative BILL ARCHER on April 29, 1988.

The personal computer market is, as we all know, a highly competitive market. The high volume end of the market has come to be dominated by cheap clones of the original IBM personal computer, many of which are manufactured overseas and then imported and sold in the United States.

U.S. companies retain leadership in the high end of the personal computer market. However, even U.S. firms have had to move certain operations overseas to compete in the international market for these machines.

A number of United States firms have had the main operating part of their personal computers manufactured in Japan. This part is called the motherboard. It carries the computer's

central processing unit [CPU], the part that actually computes, and memory and control chips that operate the computer.

These Japanese manufactured motherboards are imported into the United States where they are assembled with power supplies, other boards, housings, cabling, keyboards, input-output ports, memory devices, and displays, in United States plants by United States workers. When assembled into a unit, these parts become a computer.

These motherboards were imported into the United States as computer parts. As such, they entered the United States duty free. Then, on July 2, 1987, the Customs Service reclassified these parts retroactively as "unfinished data processing machines." This had the effect of subjecting these parts to a 3.9-percent tariff and an additional 100-percent tariff under sanctions imposed on the Japanese due to their failure to live up to the terms of the semiconductor agreement.

This reclassification was simply wrong. A computer motherboard is no more an "unfinished data processing machine" than an automobile engine, by itself, is an "unfinished automobile." Each is equally vital to the nature and operation of the finished product, but many more components must be added to each before they can reasonably be called, respectively, an unfinished data processing machine or an unfinished automobile.

This is not a technical issue. It is not one that requires deep knowledge of computer technology to resolve. It is a matter of common sense. It makes good common sense to pass this bill.

In fact, I understand that the U.S. Treasury now admits that the Customs Service decision may have been in error. It is now up to us to correct this mistake.

This bill simply restores the status quo ante for those unliquidated customs entries that occurred after January 16, 1986, and before January 1, 1988. It allows those motherboards brought in during that period to come in duty free. Note that this bill corrects the retroactive impact of the Customs Service erroneous reclassification and deals with the entries that remain in dispute. It treats U.S. manufacturers fairly and helps expand that part of the computer market where we still retain the lead.

If we do not act to correct this mistake, we run the risk that large numbers of U.S. manufacturing jobs will move overseas because, all other things being equal, we will have made U.S.-assembled computers as expensive as foreign assembled computers. Therefore, U.S. companies will have no incentive to sustain domestic assembly operations.

I urge my colleagues to join me and the distinguished senior Senator from New York in support of this corrective measure.●

By Mr. STAFFORD (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. DURENBERGER, and Mr. GORE):

S. 2663. A bill entitled the "Global Environmental Protection Act of 1988; to the Committee on Governmental Affairs.

GLOBAL ENVIRONMENTAL PROTECTION ACT

Mr. STAFFORD. Mr. President, the effort to protect our health and environment from the hazards of man-made pollutants is an ever changing and unending struggle.

I have learned that from nearly two decades of experience in the Senate, working in the field of environmental protection. I also know that, while we have made significant progress in this effort, there are even greater challenges ahead.

So now, near the end of my stay in the Senate of the United States, I have come here to introduce, on behalf of myself and Mr. BAUCUS, Mr. CHAFEE, Mr. DURENBERGER, the Global Environmental Protection Act of 1988.

This bill asks the American people, and by implication the inhabitants of the rest of this planet as well, to confront the threat that atmospheric contamination poses to our future existence.

We should make no mistake about it. What is at stake is life as we know it, and possibly even life itself. The world's best scientists have been telling us that, through our conduct, we have been conducting a massive experiment with the Earth's future without knowing the outcome.

The overall outcome may be uncertain, but some specific consequences of this experiment have already become quite clear.

We already know that our planet is hotter; its protective atmosphere is thinner, and its air is more poisonous than at any time in recorded history—all because of air pollution.

Any one of these circumstances not only threatens the global environment, but imperils world stability in a way that increases international tensions and raises the risk of conflict.

We humans are making vast changes in the underpinnings of virtually every important realm to create a globe that is notably different from any that man has experienced. These changes have taken place in the ocean, the atmosphere, the soil, the temperature and in all living things.

In the United States, this summer's drought has focused public and press attention on the "greenhouse effect"—the warming of Earth because of air pollution.

Despite the national attention paid to the drought throughout the Midwest in the spring and summer of 1988, few people realize that other of the world's breadbaskets have also been gripped by the searing heat. China, Vietnam, Brazil, Czechoslovakia, Canada, Ethiopia, and India have also been starved for water.

In India, where the monsoons for an extended time failed for the second year in a row, there was looting—not for money, gold, or even food, but for water.

Throughout the world, the hottest year on record was 1987, followed closely by 1983 and 1981. The Antarctic ice sheet has begun to melt, ocean levels are rising, Caribbean coral is being killed by hot waters, and the snowpack in the American West is the thinnest in a century.

Today, literally as I speak, forest fires are sweeping through our West, endangering our oldest and most majestic national parks and wilderness areas. We are told they are the worst in a century.

Because humanity has already flooded the air with so many chemicals that last for so many years, temperatures will continue to increase until the middle of the next century.

Yet temperature increases are not our only concerns. The environment has been massively disturbed in other ways as well.

The press and public have been so preoccupied with the drought that they failed to notice the massive decline and death of forests in Eastern North America that has been documented by scientists.

Every major tree species—white and yellow pine, oak, spruce, yellow and sugar maple, sweetgum, Fraser fir, and beech—is growing slower and dying faster.

On Mount Mitchell, a North Carolina mountain which is the highest point east of the Rockies, clouds have been as poisonous as battery acid since May 1.

The forests on that mountain, and along the entire Appalachian chain from Maine to Georgia, are dying by the thousands.

An article describing this circumstance appeared in the New York Times last Sunday, and I ask unanimous consent that it be printed at the conclusion of my remarks.

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

Mr. STAFFORD. Mr. President, I also ask unanimous consent that an article from the Washington Post describing the forest fires sweeping through the West also be printed in the RECORD at the conclusion of my remarks.

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

Mr. STAFFORD. But the threats do not stop with our forests either, Mr. President.

Despite nearly two decades of billion dollar expenditures to control air pollution, smog levels throughout the

United States have risen to the highest levels in a decade during this summer. That is partially because hot weather is the catalyst which allows two air pollutants—organic chemicals and oxides of nitrogen—to form ground level ozone, also known as smog.

As the Earth grows hotter, the levels of smog—already high enough to endanger the health of 100 million Americans—will continue to increase.

For a period, smog levels were held in check by the Federal air pollution control imposed on automobiles. But the Nation has been coasting on that program for nearly 8 years, doing virtually nothing else to control air pollution. Now, we have just about run out of progress, and as the temperatures increase—as they surely will—smog will worsen.

Meanwhile, high overhead, the thin layer of ozone gas which shields the planet from the deadly cold and solar radiation of space was growing thinner and thinner. If compressed, the ozone layer would be only the thickness of a plastic trash bag—3 mils—yet it is all that stands between life on Earth and radiation so intense that it can explode cells on contact.

Over the Antarctic, chemicals have dissolved the ozone layer, opening a hole the size of North America and letting through massive amounts of the blistering ultraviolet radiation. The thinning has spread northward, covering New Zealand and Australia. At the North Pole, the depletion has edged down into Maine and the Dakotas.

Because the chemicals that cause this condition last so long, it will be at least a century before the depletion can be reversed, even if production and use of those chemicals were to stop instantly and completely.

These threats are linked. Higher temperatures at ground level produce more smog, and also accelerate the chemical reaction which destroys the ozone layer. As the ozone far overhead is destroyed, the air below thickens and heats. Scientists call these relationships "positive feedbacks".

Some scientists tell us that what happened to the forests in Eastern North America was probably the result of a positive feedback—a reaction which accelerates so rapidly that by the time it is seen, it is too late to stop.

Certainly, what happened in the Antarctic was a positive feedback. The cold there caused a runaway reaction which consumed all of the available ozone, sweeping through the stratosphere there like a firestorm. It took scientists completely by surprise.

The National Academy of Sciences has warned that other such surprises lie in wait for humanity unless action is taken, and quickly. But, these warnings have disappeared from public view without a trace. They are being ignored just as the earlier warnings fell on deaf ears.

Mr. President, the list of dangers can go on and on. And as time continues to pass, it will happen unless we act swiftly and decisively. That is what this Senator is proposing, Mr. President: fast, decisive action.

Some may read this bill and say it is too stringent. Yet as stringent as this bill's provisions may be it would eliminate only one degree of increase from the projected global warming of 8° Fahrenheit.

Others will say that the United States cannot solve this problem by itself—and that is true. Even modest pollution growth in the developing countries will overwhelm the progress which this bill would make.

But someone, somewhere, must take the first step.

Perhaps no other countries will step forward. But certainly they will fail to act if we never ask.

And perhaps this bill demands too much in a few places. But it is better to demand too much of ourselves than too little.

And finally, perhaps this bill might mean some fundamental changes in the way Americans, and others, conduct our lives.

But, who among us today would prefer the world of 50 to 60 years ago—before vaccines eliminated polio and other crippling childhood diseases? Before refrigeration made possible generations of healthier and happier children? Before widespread availability of electricity made life and leisure possible?

No one can accurately predict what the world of tomorrow will be like if we make the changes which this bill asks. But, for myself, I am confident that it will be a better world.

What we can imagine, and imagine all too easily, is what the world may resemble if we fail to act.

It will be a world hostile to humanity, and the rest of life, in dozens of ways. It will be a world which I would wish on neither my children nor my grandchildren.

We need not accept that bleak prediction. We need not accept a continued deterioration of our planet and of our quality of life.

Man can make a difference and, by introducing this legislation here today, I urge the Senate of the United States to take the lead in that noble endeavor.

Mr. President, I ask unanimous consent that a summary of this bill and the text of the bill be printed in the RECORD.

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Yet temperature increases are not our only concerns. The environment has been massively disturbed in other ways as well.

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These threats are linked. Higher temperatures at ground level produce more smog, and also accelerate the chemical reaction which destroys the ozone layer. As the ozone far overhead is destroyed, the air below thickens and heats. Scientists call these relationships positive feedbacks.

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Man can make a difference and, by introducing this legislation here today, I urge the Senate of the United States to take the lead in that noble endeavor.

Mr. President, I ask unanimous consent that a summary of this bill and the text of the bill 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:

S. 2663

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SEC. 1.

This Act may be cited as the "Global Environmental Protection Act of 1988.".

SEC. 2. FINDINGS.

The Congress, recognizing the profound, irreversible and potentially catastrophic impacts of humanity's activities on the global atmosphere and the world's environment, and the inability of science to predict with certainty the consequences for humanity of any such changes, hereby declares that each person has a responsibility and obligation to avoid contamination of the atmosphere.

TITLE I—ELIMINATION AND REGULATION OF GLOBAL CHANGE POLLUTANTS

PART A—CHLOROFLUROCARBONS AND RELATED CHEMICALS

SECTION 101. SHORT TITLE.

This Part may be cited as the Act to Eliminate Chloroflurocarbons and Related Chemicals.

SEC. 102. FINDINGS.

The Congress finds that—

(1) The best available scientific evidence shows that manufactured substances, including chlorofluorocarbons, are polluting the atmosphere and destroying stratospheric ozone, as well as contributing to global climate change, and other atmospheric modifications.

(2) No level of stratospheric ozone depletion or global climate change caused by human activities can be deemed safe.

(3) Stratospheric ozone deletion will lead increased incidence of solar ultraviolet radiation at the surface of the Earth.

(4) Increased incidence of solar ultraviolet radiation will cause increased rates of disease in humans (including skin cancer), threaten food crops, and otherwise damage the natural environment.

(5) Stratospheric ozone depletion and global climate change from continued emissions of chlorofluorocarbons and other halogenated carbons with ozone depleting potential, and emissions of other gases, imperil human health and the environment worldwide.

(6) In order to stabilize and eventually reduce concentrations of chlorine and bromine in the stratosphere, to conserve the stratospheric ozone layer (an exhaustible natural resource), and to reduce the extent of global climate change—

(A) emissions of chlorofluorocarbons and other substances covered by this Act, including halogenated carbons with ozone depleting potential, should be terminated rapidly, and

(B) it is necessary to control international trade in substances covered by this Act and products

containing or made with processes that use such substances.

(7) The highest priority must be given to developing and deploying safe substitutes to replace ozone depleting substances within 6 years.

(8) The United States needs to develop and deploy safe substitutes to replace ozone depleting substances in order to demonstrate to the world its commitment to protect the stratosphere.

SEC. 103. OBJECTIVES AND NATIONAL GOAL

(a) The objectives of this Act are to restore and maintain the chemical and physical integrity of the Earth's atmosphere and to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, that is or may be related to the chlorofluorocarbons or other substances covered by this Act by—

(1) reducing significantly the production and emission into the atmosphere of pollutants caused by human activities,

(2) promoting the rapid development and deployment of alternatives to the use of the chlorofluorocarbons and other substances covered by this Act, and

(3) promoting additional scientific research on atmospheric or climatic modification, inculding stratospheric ozone depletion, and on the known and potential adverse effects therefrom on human health and the global environment.

(b) In order to achieve the objectives of this Act, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential, including chlorofluorocarbons and other halogenated carbons with ozone depleting potential, and to reduce significantly emissions of other gases caused by human activities that are likely to affect adversely the global climate.

SEC. 104. DEFINITIONS.

As used in this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "household appliances" means noncommercial personal effects, including air conditioners, refrigerators, and motor vehicles.

(3) The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) The term "manufactured substances" means any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

(5) The term "medical purposes" means medical devices and diagnostic products (A) for which no safe substitute has been developed and (B) which, after notice and opportunity for public comment, has been approved and determined to be essential by the Commissioner of the Food and Drug Administration, in consultation with the Administrator.

(6) The term "person" means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality).

(7) The term "substances covered by this Act" means those substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion, and are listed under subsections (a) or (b) of section 105.

SEC. 105. LISTING OF REGULATED SUBSTANCES.

(a) SUBSTANCES TO BE PHASED-OUT.—Within 60 days after enactment of this Act, the Administrator shall publish a priority list of manufactured substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion. The initial list shall include chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, halon-1211, and halon-1301.

(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall create a list of other manufactured substances which, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a). The list of other substances shall be subject to the limitations on ozone depletion potential under section 109 of this Act and shall include chlorofluorocarbon-22, chlorofluorocarbon-114, chlorofluorocarbon-115, carbon tetrachloride, methyl chloroform, and methylene chloride. At least annually thereafter, the Administrator shall publish a proposal to add to such list each other manufacturer substance which, in the judgment of the Administrator, meets the criteria set forth in the first sentence of subsection (a). Within 180 days of any such proposal, after allowing an opportunity for public comment, the Administrator shall promulate a regulation adding each such substance to the list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a).

(c) OZONE DEPLETION FACTOR.—Simultaneously with publication of the lists or additions thereto under this section, and at least annually thereafter, the Administrator shall assign to each listed substance a numerical value representing the ozone depletion potential of such substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11. The numerical value shall, for the purposes of section 109, constitute the ozone depletion factor of each such substance. Until the Administrator promulgates regulations under this subsection, the following ozone depletion factors shall apply:

Substance	*ozone depleting factor*
Chlorofluorocarbon-11	1.0
Chlorofluorocarbon-12	1.0
Chlorofluorocarbon-22	.05
Chlorofluorocarbon-113	.78
Carbon tetrachloride	1.06
Methyl chloroform	.10
Halon-1211	2.69
Halon-1301	11.43

SEC. 106. REPORTING REQUIREMENTS.

(a) PRIORITY LIST.—Within 90 days after enactment of this Act, each person producing a substance listed pursuant to subsection (a) of section 105 shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during calendar year 1986. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive 12-month period until such producer ceases production of the substance. Each such report shall be signed and attested by a responsible corporate officer.

(b) OTHER REGULATED SUBSTANCES.—Within 90 days of the date on which a substance is placed on the list under subsection (b) of section 105, each person shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during the 12 months preceding the date of listing. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive 12-month period until such producer ceases production of the substance. Each such report shall be signed and attested by a responsible corporate officer.

SEC. 107. PRODUCTION PHASE-OUT

(a) Effective January 1, 1989, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 105 in annual quantities greater than that produced by such person during calendar year 1986.

(b) Effective January 1, 1990, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 105 in annual quantities greater than that produced by such person during calendar year 1986.

(c) Effective January 1, 1991, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 105 in annual quantities greater than that produced by such person during calendar year 1986.

(d) Effective January 1, 1993, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 105 in annual quantities greater than that produced by such person during calendar year 1986.

(e) Effective January 1, 1995 it shall be unlawful for any person to produce or release a substance listed pursuant to subsection (a) for any use other than medical purposes.

(f) Effective January 1, 1999, it shall be unlawful for any person to produce or release a substance listed pursuant to section 105 for any use other than medical purposes.

SEC. 108. LIMITATION ON USE.

(a) Effective January 1, 1994, it shall be unlawful to introduce into interstate commerce or to use a substance listed under subsection (a) of section 105 except for medical purposes approved by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, and, for a period not to exceed 10 years after January 1, 1994, to maintain and service household appliances.

(b) Effective January 1, 1999, it shall be unlawful to introduce into interstate commerce or to use a substance listed under subsection (b) of section 105 except for medical purposes approved by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, and, for a period not to extend beyond January 1, 2004, to maintain and service household appliances. For purposes of this subsection and subsection 107(f), a manufacturing process utilizing such a substance solely as an intermediate in a manufacturing process in which the substance is wholly consumed and none is released, does not constitute a use.

SEC. 109. LIMITATION ON OZONE DEPLETION POTENTIAL.

(a) Effective January 1, 1989, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 105, yield a total ozone depletion potential greater than that produced by such person during calendar year 1986.

(b) Effective January 1, 1990, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 105, yield a total ozone depletion potential greater than 75 per centum of that produced by such person during calendar year 1986.

(c) Effective January 1, 1991, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 105, yield a total ozone depletion potential greater than 50 per centum of that produced by such person during calendar year 1986.

(d) Effective January 1, 1995 it shall be unlawful for any person to produce a substance listed pursuant to section 105(a) for any use other than medical purposes.

(e) The Administrator shall promulgate regulations, after notice and opportunity for public comment, which require each producer to reduce its production of

(1) a substance listed under subsection (a) of section 105 more rapidly than the schedule provided under this Act; or

(2) a substance listed under subsection (b) of section 105 on a specific schedule not otherwise provided for in this Act

if the Administrator determines that such revised or specific schedule (A) based on new information regarding the harmful effects on the stratosphere or climate which may be associated with a listed substance, is necessary to protect human health and the environment or (B) based on the availability of substitutes for a listed substance, is attainable. Any person may petition the Administrator to issue such regulations. The Administrator shall issue such regulations within 180 days after receipt of any such petition, unless the Administrator denies the petition.

SEC. 110. PRODUCTION PHASE-OUT EXCEPTION FOR NATIONAL SECURITY.

(a) The President may issue such orders regarding production and use of halon-1211 and halon-1301 at any specified site or facility as may be necessary to protect the national security interests of the United States if the President personally finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this Act. The President shall notify the Congress within 30 days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exemption shall be for a specified period which may not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

SEC. 111. CERTIFICATION OF EQUIVALENT PROGRAMS.

(a) IMPORTS.—Effective 12 months after the date on which a substance is placed on the priority list pursuant to section 105, it shall be unlawful for any person to import such substance, any product containing such substance, or any product manufactured with a process that uses such substance unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported have established and are fully implementing programs that require reduced production of such listed substance, and limit production of other substances covered by this Act, on a schedule and in a manner that is at least as stringent as the reduction schedule in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic production which apply under this Act. the prohibition on the import of any product manufactured with a process that uses a substance listed under subsection (a) of section 105 shall include, after notice and opportunity for public comment, any product which the Administrator has reason to believe may have been manufactured with a process that uses such substance. The Administrator's decision that a product may have been manufactured with a process that uses such substance shall constitute a rebuttable presumption.

CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program under subsection (a) unless it is determined that—

(1) the nation has adopted legislation or regulations which give the reduction schedule for each listed substance the force of law; and

(2) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in this Act, and that the information contained in such reports is available to the Administrator and the Secretary.

(c) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect 180 days after notice of the revocation has been published.

(d) ALLOCATION.—Any person who imports a substance covered by this Act or a product containing such substance shall, for the purposes of section 107 (production phase-out for priority list) and section 109 (limitation on ozone depletion potential), shall be deemed to have produced an equivalent amount of such substance on the date of such importation.

SEC. 112. LABELLING.

(a) Effective 90 days after the date on which a substance is placed on a list maintained under subsection (a) or (b) of section 105, no container in which such substance is stored or transported, no product containing such substance, and no product manufactured with a process that uses a listed substance shall be introduced into interstate commerce unless it bears a label stating either of the following, as appropriate:

(1) "Contains (insert name of listed substance) a substance which harms public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate".

(2) "Manufactured with (insert name of listed substance), a substance which harms public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate".

The Administrator shall issue regulations to implement the labelling requirements of this section within six months after enactment of this section, after notice and opportunity for public comment. Such regulations shall require all containers and products which are subject to this section and introduced or reintroduced into commerce later than 90 days after promulgation of such regulations to bear the appropriate label. Unless and until such regulations have been promulgated and become effective, the required label shall be permanently affixed on the face of such product, with the lettering and background in contrasting colors and the letters themselves not less than two inches in height (or 20 percent of the height of the product which is less than four inches in height). Neither the labeling requirement nor any other provision of the Global Environmental Protection Act of 1988, including the Act as a whole, shall constitute, in whole or part, a defense to liability or a cause for reduction in damages in any suit, whether civil or criminal, brought under any law, whether Federal or state, other than a suit for failure to comply with the labelling requirements of this section.

SEC. 113. MANUFACTURE AND DISPOSAL.

(a) Effective January 1, 1990—

(1) A substance listed pursuant to this Act shall be deemed to meet the requirements of section 3001 of the Resource Conservation and Recovery Act.

(2) A substance listed pursuant to this Act shall be disposed of only through incineration or other means which assures 99.999 destruction of such substance.

(3) Any appliance, machine or other good containing a listed substance in bulk (including but not limited to refrigerators and air conditioners) shall be accepted for disposal only by persons licensed to accept such goods and shall be disposed of only after such substance has been removed from confinement and destroyed pursuant to the requirements of this Act. Unless and until regulations establishing a program for approving, licensing, and assuring the financial responsibility of persons to accept goods containing such substances, only governmental entities, or their agents, contractors or employees, are authorized to do so.

(4) No listed substance shall be vented into the atmosphere or otherwise released in a fashion which permits it to enter the environment in other than de minimus quantities.

(5) Any product in which a listed substance has been incorporated so as to constitute an inherent element of such product, including but not limited to rigid and soft foams, shall be disposed of only through incineration or other means which result in not less that 99.999 percent destruction.

(b) Effective July 1, 1990—

(1) No person shall manufacture, process, distribute in commerce or otherwise use (except for medical purposes) any listed substance in any manner other than a totally enclosed manner. "Totally enclosed" means that during the lifetime of the good in question not more than five percent of the original charge or volume of such substance will be released during the course of ordinary and customary use of such good, including repairs or disposal.

(2) No person shall manufacture, process, distribute in commerce or otherwise use (except for medical purposes) a listed substance in a totally enclosed manner without—

(A) installing on such device a servicing aperture which will allow service and repair of such good with release of only de minimus amounts of such substance,

(B) assuring the availability and actual use of servicing equipment adequate to assure the achievement of no more than a de minimus release of such substance.

(c) For purposes of this section a "de minimus" amount is .050 percent of the total charge of such substance or 5 pounds, whichever is less, released during a period of twelve months.

PART B—CARBON DIOXIDE

SEC. 114. SHORT TITLE.

This Part may be cited as the Act to Reduce and Stabilize Atmospheric Concentrations of Carbon Dioxide.

SEC. 115. FINDINGS.

The Congress finds that—

(1) There is widespread agreement, and no credible scientific dispute, that increases in atmospheric concentrations of carbon dioxide will increase the temperature of the planet;

(2) Current emissions of carbon dioxide are approximately 70 times as great as those a century ago;

(3) Average concentrations of carbon dioxide in the absence of major contributions from human activity have ranged between 180 and 280 parts per million;

(4) The current concentration of carbon dioxide is approximate 380 parts per million;

(5) Concentrations of carbon dioxide because of human activity are increasing at the rate of about 4 percent per decade;

(6) There has already been an observed increase in globally-averaged temperature of 0.7 degrees Centrigrade during the last century;

(7) Increases in North Atlantic ocean temperatures of 0.2 to 0.3 degrees Centigrade have been measured;

(8) Ocean water levels have increased;

(9) The years 1981, 1983, and 1987 are the hottest on record;

(10) To date, the year 1988 will exceed the temperatures of all previous years on record;

(11) Elevated temperatures and drought are now prevailing in many of the world's agricultural areas;

(12) All of these changes are consistent with predictions that increases in carbon dioxide will lead to global temperature increases;

(13) Further temperature increases of as much as four degrees Centigrade will be experienced if concentrations of carbon dioxide and other trace gases continue to accelerate at current rates;

(14) Even with stringent and immediate controls, global average temperatures are predicted to increase 1-0 to 2-5 degrees centigrade.

(15) Scientists are unable to state with certainty whether the global environment will respond predictably to further temperature increases, especially if they occur in combination with other alterations in the atmosphere and oceans;

(16) Probable consequences of further warming will include, but cannot with certainty be said to be limited to, the following:

(A) Sea level rise of between one and four feet, accompanied by widespread flooding, estuary destruction, and increased frequency of extreme storm events such as cyclones;

(B) Disappearance of many tree and plant species in areas where they now predominate;

(C) Widespread and endemic drought in many areas of the world which now supply the bulk of humanity's foods;

(17) To minimize further climate destruction and mitigate that which is already inevitable will require that atmospheric concentrations of carbon dioxide be stabilized;

(18) The level of carbon dioxide emission reductions necessary to achieve atmospheric stabilization is uncertain, but has been estimated by some to be 50 percent or more;

(19) Given the uncertainty of the response of the global environment to further temperature increases, the prudent policy is to strive to minimize carbon dioxide emissions through all possible means rather than establish an arbitrary goal;

(20) Between 20 and 25 percent of the world-wide emissions of carbon dioxide originate in the United States;

(21) Technologies and practices exist which could reduce carbon dioxide emissions substantially;

(22) The adoption of these technologies and practices would increase the efficiency and competitiveness of the United States business and industrial sector, decrease the Nation's dependence on foreign supplies of fuel, protect the agricultural sector, preserve the natural environment, and simultaneously achieve reductions in other chemicals which cause acid rain, ground level ozone, and fine particle pollution;

(23) Therefore, the United States can protect the global environment directly by reducing emissions of carbon dioxide emissions and indirectly protect such environment by demonstrating the technologies and practices which can be applied elsewhere.

SEC. 116. STATIONARY SOURCE CONTROLS.

(a)(1) Not later than January 1, 1990 the Administrator of the Environmental Protection Agency shall revise the standards under section 111(b) of the Clean Air Act to require—

(A) that such standards be expressed in terms of carbon dioxide emitted per unit of electricity output;

(B) that such standards applicable to fossil fuel fired electric utility generating units provide for emissions of carbon dioxide not to exceed the following:

(i) effective January 1, 1990, 610 pounds of carbon dioxide per million British thermal units of heat output;

(ii) effective January 1, 2000, 435 pounds of carbon dioxide per million British thermal units of heat output; and

(iii) effective January 1, 2010, 280 pounds of carbon dioxide per million British thermal units of heat output.

For purposes of this section, "heat output" includes usable energy, whether electric or thermal, measured at the point of distribution to residential, commercial or other customers.

(2) Effective January 1, 1995, each fossil fuel fired stationary source shall comply with the standards established under section 111(b) of the Clean Air Act for new sources within such class or category, in the case of each electric utility generating source, on and after the date 30 years following the completion of construction of such source and, in the case of each other source, on and after the date 35 years following the completion of construction of such source.

(3) To the extent that the emissions rate limits required by this section and section 111 of the Clean Air Act through increases in combustion, generation, transmission and utilization efficiencies, such program for achieving reductions shall constitute enforceable continuous emissions reduction measures, enforceable by the Federal Government, States other than those in which the emissions occur, and citizens under section 304 of the Clean Air Act.

SEC. 117. MOBILE SOURCE CONTROLS.

(a) The Clean Air Act is amended as follows:

(1) In section 202(a)(3)(A)(i) inserting before the period at the end of the first sentence, the following: "and, for emissions of carbon dioxide, during and after model year 1990".

(2) in section 202(a)(3)(A)(ii) inserting the following new clause:

"(III) 1990 in the case of carbon dioxide shall contain standards which require a reduction of at least 10 percent in 1990; at least 25 percent in 1995; at least 50 percent in 2000; and at least 75 percent in 2010."

(3) inserting in section 202(b)(1)(B) the following new language immediately before the period:

"The regulations under subsection (a) applicable to emissions of carbon dioxide from light duty vehicles and engines shall provide that emissions of carbon dioxide may not exceed—

360 grams of carbon dioxide per vehicle mile from light duty vehicles and engines manufactued during and after model year 1990;

300 grams per mile for light duty vehicles and engines manufactured during and after model year 1995;

200 grams per mile for light duty vehicles and engines manufactured during and after model year 2000; and,

100 grams per miles for light duty vehicles and engines manufactured during and after model year 2010."

SEC. 118. RESIDENTIAL CONTROLS.

(a) Not later than January 1, 1991, the Administrator shall promulgate regulations identifying the best available residential control technology available for central furnaces, air conditions, and hot water heaters designed and sold for installation in single-family dwellings. For purposes of this section, "best available residential control technology" means that technology which achieves in a unit which is commercially available the maximum degree of reduction of emissions of carbon dioxide, whether directly through combustion or indirectly through consumption of electrical energy. Unless and until such regulations are promulgated and become effective, the best available control technology shall be deemed to be as follows:

(1) for furnaces, that which achieves an AFUE of.90 for oil, an AFUE of .95 for gas and a COP of 2.6 for electric heat pumps;

(2) for central air conditioners, that which achieves an Energy Efficiency Rating of not less than 15.0; and,

(3) for hot water heaters, that which achieves an EF of 64 for gas and 96 for electricity.

(b) Each new single-family dwelling for which a building permit is issued on or after January 1, 1992, which is equipped with a central furnace, central air conditioner or hot water heater, shall be equipped only with one which meets or exceeds the emission limitation achieved by the best available residential control technology.

(c) Effective January 1, 1993, each replacement central furnace, central air conditioner, or hot water heater installed in a single-family dwelling shall meet or exceed the emissions limit achieved by the best available residential control technology.

(d) Not later than January 1, 1990, the Secretary of the Treasury shall recommend to the Congress means of encouraging the replacement of central furnaces, air conditioners and water heaters and otherwise minimizing the emissions of carbon dioxide and other greenhouse gases from residential units through a system of tax or other incentives.

PART C—GROUND LEVEL OZONE

SEC. 119. SHORT TITLE.

This part may be cited as the Act to Minimize Ground Level Ozone.

SEC. 120. FINDINGS.

The Congress finds that—

(a) Ground level ozone, and the pollutants which lead to its formation, contribute substantially to the following damages:

(1) increases in global average temperatures and the consequent threats to humanity and the global environment, as described in greater particularity in the findings accompanying Part B;

(2) widespread and substantial damage to crops and other vegetation, including the forests of eastern North America and Europe;

(3) injury to human health, including probable long-term damage comparable to that resulting from tobacco smoking;

(4) acidification of the soils and waters of North America and Europe;

(b) Concentrations of free tropospheric ozone have doubled to quadrupled in the last century;

(c) Ground level ozone is formed by the reaction of volatile organic chemicals with oxides of nitrogen in the presence of sunlight;

(d) Elevated temperatures and extended summer seasons likely to accompany the global temperature increases will cause increased production of ground level ozone;

(e) Virtually all oxides of nitrogen and the majority of the volatile organic chemicals result from human activities;

(f) Technologies and practices exist to reduce substantially emissions of oxides of nitrogen and volatile organic chemicals;

(g) In the absence of a program to minimize emissions of volatile organic chemicals and oxides of nitrogen, emissions and concentrations of these pollutants are projected to increase.

SEC. 121. STATIONARY SOURCE CONTROLS: OXIDES OF NITROGEN.

(a)(1) Not later than January 1, 1990, the Administrator shall propose revised standards of performance pursuant to section 111 of the Clean Air Act for emissions of oxides of nitrogen (including nitrous oxide) from fossil fuel fired steam or electricity generating units, including both electric utility and non-utility units. Not later than January 1, 1991, the Administrator shall promulgate such standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen and shall require an emissions rate equal to or less than 0.1 pounds per million British thermal units of heat input or a reduction of not less than 90 per centum from an uncontrolled state unless the Administrator determines that such limits are technologically infeasible. Unless and until such revised standards are promulgated and become final, the application of selective catalytic reduction to achieve an emissions reduction of 90 percent shall be deemed to be such standard.

(2) Not later than January 1, 1990, the Administrator shall propose standards of performance pursuant to section 111 of the Clean Air Act for emissions of oxides of nitrogen (including nitrous oxide) from large stationary diesel and turbine engines. Not later than January 1, 1991, the Administrator shall promulgate such standards of performance. Unless and until such revised standards are promulgated and become final, the application of selective catalytic reduction to achieve an emissions reduction of 90 percent shall be deemed to be such standard.

(b) Effective January 1, 1993, each unit of a major stationary source that is a fossil fuel fired steam generating unit shall achieve an emissions rate of oxides of nitrogen that does not exceed, on an annual average basis, 1.0 pounds per million British thermal units of heat input for cyclone boilers, 0.5 pounds per million British thermal units of heat input for wall-fired boilers, and 0.4 pounds per million British thermal units of heat input for tangential-fired and other boilers.

SEC. 122. STATIONARY SOURCE CONTROLS: HYDROCARBONS.

(a) Not later than two years after the enactment of this subsection, the Administrator of the Environmental Protection Agency shall publish control technique guidelines consistent with section 171(6) of the Clean Air Act for the following categories of sources:

(A) wood furniture coating;

(B) autobody refinishing;

(C) metal rolling;

(D) SOCMI distillation;

(E) SOCMI batch process;

(b) SEC. 304. (a) Part A of title I of the Clean Air Act is amended by adding the following new section:

"HYDROCARBON EMISSION CONTROLS

"SEC. 130. (a) Not later than two years after the enactment of this section, the Administrator shall promulgate regulations establishing emission limitations, standards of performance, or standards for product composition or application for hydrocarbon emissions associated with the following categories of sources—

"(1) commercial solvents;

"(2) consumer solvents;

"(3) architectural coatings;

"(4) pesticide application;

"(5) traffic marking coatings; and

"(6) metal parts coatings in military specification applications and aerospace industry applications.

"(b) With respect to existing sources or activities not subject to section 111 or section 173, the regulations under this section shall require the degree of emission reduction or control, at a minimum, achievable through the adoption of reasonably available control technology, as defined in section 171(6). In developing regulations under subsection (a)(1) and (a)(6) of this section, the Administrator shall consult with the affected industry, including the industries procuring such parts, and with representatives of the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration involved in the establishment of specifications for such parts or coatings.

"(c) For the purposes of this act, any requirement of a regulation promulgated under this section shall be deemed a requirement of an applicable implementation plan.".

(b) Section 116 of the Clean Air Act is amended by striking "111 or 112" and inserting in lieu thereof "111, 112, or 130".

(c) Effective January 1, 1995, each major stationary source of hydrocarbons shall comply with the standards established under section 111 (b) of the Clean Air Act for new sources within such class or category, on and after the date 35 years following the completion of construction of such source.

SEC. 123. MOBILE SOURCE CONTROLS.

VEHICLE EMISSION STANDARDS

SEC. 301. (a) Section 202(b)(1)(A) of the Clean Air Act is amended by adding at the end thereof the following new sentence: "The regulations under subsection (a) applicable to emission of hydrocarbons from ligh-duty vehicles and engines manufactured during and after model year 1992 shall contain standards which provide that such emissions may not exceed 0.25 gram per vehicle mile.".

(b) Section 202(b)(1)(B) of the Clean Air Act is amended by adding at the end thereof the following new sentence: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during and after model year 1990 shall contain standards which provide that such

emissions may not exceed 0.4 gram per vehicle mile.".

(c) Section 202(b)(1) of the Clean Air Act is amended by adding the following new paragraph:

"(D) The Administrator shall promulgate regulations under subsection (a) applicable to emissions of particulates from light-duty vehicles and engines manufactured during and after model year 1990, and such regulations shall contain standards which provide that such emissions, may not exceed 0.08 gram per vehicle mile.".

(d) Section 202(a)(3) of the Clean Air Act is amended by inserting after subparagraph (E) the following new subparagraphs and redesignating succeeding subparagraphs accordingly:

"(F) Regulations under paragraph (1) applicable to emissions of oxides of nitrogen from heavy duty vehicles and engines shall contain standards that provide that such emissions shall not exceed 4.0 grams per brake horsepower-hour for vehicles manufactured during and after model year 1991 and that such emissions shall not exceed 1.7 grams per brake horsepower-hour for vehicles manufactured during and after model year 1995. Regulations applicable to emissions of particulates from heavy-duty diesel vehicles and engines shall require that such emissions may not exceed 0.1 gram per brake horsepower-hour, beginning in model year 1991 with respect to buses, and in model year 1994 with respect to other heavy-duty diesel vehicles and engines.

"(G) Regulations under paragraph (1) applicable to emissions from light-duty trucks and engines manufactured during and after model year 1990 shall contain standards that provide that such emissions may not exceed 0.5 gram per vehicle mile of oxides of nitrogen, 0.5 gram per vehicle mile of hydrocarbons, 0.08 gram per vehicle mile of particulates, and 5.0 grams per vehicle mile of carbon monoxide. Such regulations shall require that light-duty trucks and engines manufactured during and after model year 1990 comply with the standard for emissions of carbon monoxide regardless of the altitude at which they are sold. For the purposes of this subparagraph, the terms 'light-duty truck' and 'light-duty truck and engine' means any motor vehicle (including the engine thereof) with a gross vehicle weight (as determined under regulations promulgated by the Administrator) of eight thousand five hundred pounds or less and a curb weight of six thousand pounds or less (as determined under regulations promulgated by the Administrator) and which—

"(i) is designed primarily for purposes of transportation of property or is a derivation of such a vehicle,

"(ii) is designated primarily for transportation of persons and has a capacity of more than twelve persons, or

"(iii) has special features enabling off-street or off-highway operation and use.

For the purposes of this section, any motor vehicle with a gross vehicle weight of six thousand pounds or less shall be a light-duty vehicle.".

(e) Section 202(a)(3)(H) of the Clean Air Act (as redesignated by this Act) is amended by adding the following new sentence: "Regulations under this section applicable to exhaust and evaporative emissions from motorcycles and motorcycle engines manufactured during and after model year 1992 shall contain standards that provide that such emissions, in the case of motorcycle engines with a displacement of less than 700 cubic centimeters, may not exceed 2.0 grams per vehicle mile of hydrocarbons, 17.6 grams per vehicle mile of carbon monoxide, and 2.0 grams per test of evaporative emissions, and in the case of motorcycle engines with a displacement of 700 cubic centimeters or more, may not exceed 3.6 grams per vehicle mile of hydrocarbons, 17.6 grams per vehicle mile of carbon monoxide, and 4.0 grams per test of evaporate emissions.".

(f) Section 202(a)(6) of the Clean Air Act is amended to read as follows:

"(6) Regulations under this section applicable to vehicles manufactured during and after model year 1991 shall require the use of onboard hydrocarbon control technology to recover emissions from the fueling of such vehicles. Such onboard hydrocarbon control technology shall be designed to accommodate all available fuels.".

(g) Section 209(b)(1) of the Clean Air Act is amended by striking ", in the aggregate,".

(h)(1) Section 202(b)(1) of the Clean Air Act is further amended by adding the following new paragraph:

"(E) The Administrator shall promulgate regulations under subsection (a) applicable to emissions of formaldehyde from light-duty vehicles and engines manufactured during and after model year 1990 which may be fueled, in whole or in part, by fuels other than gasoline. In no event may such regulations permit emissions of formaldehyde at a higher rate than from comparable gasoline-fueled vehicles.".

(2) Section 202(a)(3) of the Clean Air Act is further amended by adding at the end thereof the following new subparagraph:

"(I) The Administrator shall promulgate regulations under subsection (1) applicable to emissions of formaldehyde (i) from heavy-duty vehicles and engines and (ii) from light-duty trucks and engines manufactured during and after model year 1991 which may be fueled, in whole or in part, by fuels other than gasoline. In no event may such regulations permit emissions of formaldehyde at a higher rate than from comparable gasoline-fueled vehicles.".

(i) Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(g) The Administrator shall promulgate regulations applicable to motor vehicle and other engines manufactured during and after model year 1991 that prohibit the manufacture, sale, or introduction into commerce of any engine that requires leaded gasoline.".

(j) Section 202(a) of the Clean Air Act is amended by adding the following new paragraph:

"(7)(A) To augment existing regulations controlling carbon monoxide emissions under temperatures between 68 and 86 degrees Fahrenheit, the Administrator shall prescribe regulations under paragraph (1) of this subsection applicable to emissions of carbon monoxide over a temperature range of 20-68 degrees Fahrenheit from light-duty vehicles and light-duty trucks manufactured during and after model year 1990.

"(B) Regulations under subparagraph (A) shall require a reduction of at least 90 percent from the average emissions from light-duty gasoline-fueled vehicles and trucks manufactured in model year 1970 to a level not to exceed 6.2 grams per vehicle mile of carbon monoxide at 20 degrees Fahrenheit. Demonstration of compliance shall be determined under regulations promulgated by the Administrator and may be based on testing of randomly selected engine families.".

ASSURANCE OF IN-USE COMPLIANCE

SEC. 302. (a)(1) Section 202(d)(1) of the Clean Air Act is amended by striking "five years or of fifty thousand miles" and inserting in lieu thereof "ten years or of one hundred thousand miles".

(2) The amendment made by this subsection shall take effect with respect to light-duty vehicles and engines manufactured during and after model year 1990.

(b) Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(h) Each emission standard under this section shall apply to and be met by each an every vehicle or engine sold, offered for sale, introduced into commerce, or imported, and may not be met or complied with by the average of the performance of various vehicles, engines, engine families, or models manufactured by the same manufacturer.".

(c) Section 206(a) of the Clean Air Act is amended by adding the following new paragraph:

"(4) Not later than one year after the enactment of this paragraph, the Administrator shall promulgate regulations adding an idle test mode to the Federal Test Procedure for light-duty vehicles as in effect on such date of enactment. Such modified test procedure shall be used for the certification of light-duty vehicles and engines manufactured during or after model year 1990.".

(d) Section 206(b)(2)(A) of the Clean Air Act is amended by adding the following new clause:

"(iii) A certificate of conformity shall be suspended or revoked under clause (i) with respect to a class or subclass of vehicles if that class or subclass fails a sampling plan having an acceptance quality level of 10 per centum.".

(e)(1) Section 207(c)(1) of the Clean Air Act is amended by striking the word "properly" each time it occurs and inserting in lieu thereof "normally".

(2) Section 207(c) of the Clean Air Act is amended by adding the following new paragraphs:

"(4) In making determinations of nonconformity under this subsection, the Administrator shall take into account information collected under any State vehicle emission control inspection and maintenance program. Any State in which such a program is operating may petition the Administrator to make a determination of nonconformity under paragraph (1) on the basis of information collected in such program. The Administrator shall act upon such petition within sixty days of receipt of such petition.

"(5) For the purpose of paragraph (1), the phrase 'normally maintained and used' means the maintenance and use ordinarily to be expected in the hands of the ultimate purchasers, not necessarily in accordance with instructions under paragraph (3), but not including intentional misfueling or intentional violations of section 203(a)(3).".

(3) Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph at the end thereof:

"(6) Not later than 180 days after enactment of the Clean Air Standards Attainment Act of 1987, the Administrator shall establish at least one testing center in addition to the existing two testing centers, which shall be located at a site that represents high altitude conditions, to ascertain whether, when in actual use throughout their useful life (as determined under section 202(d)), each class or category of vehicle and engine to which regulations under

section 202 apply conforms to the emission standards of such regulations. The Adminsitrator shall, in cooperation with the States, conduct routine testing of a representative sample of classes or categories of vehicles and engines to which regulations under section 202 apply. In carrying out such tests, the Administrator shall assure that the testing procedures and methods are of sufficient accuracy and consistency to carry out the purposes of this section. For the purposes of this paragraph, the term 'high altitude conditions' refers to high altitude as defined in Environmental Protection Agency regulations in effect as of the enactment of this Act.".

(f)(1) Section 203(a)(3) of the Clean Air Act is amended to read as follows:

"(3)(A) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser, except as may be temporarily necessary in the course of routine proper maintenance; or

"(B) for any person to manufacture or sell, or offer to sell, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal use of such part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title, and where such part or component is being offered for sale for such use or put to such use within the specific knowledge of such person; or".

(2) Section 205 of the Clean Air Act is amended to read as follows:

"SEC. 205. (a) Any person who violates paragraph (1), (2), or (4) of section 203(a) or any manufacturer or dealer who violates paragraph (3)(A) of section 203(a) shall be subject to a civil penalty of not more than $10,000. Any other person who violates paragraph (3)(A) of section 203(a) or any person who violates paragraph (3)(B) of section 203(a) shall be subject to a civil penalty of not more than $2,500. Any such violation with respect to paragraph (1), (3), or (4) of section 203(a) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine.

"(b) A civil penalty for a violation of section 203 shall be assessed by the Administrator by an order made on the record after opportunity for a hearing. In connection with any proceeding under this section the presiding officer may issue subpoenas for the attendance and testimony of witnesses and the production of papers, books, and documents.

"(c) In determining the amount of a civil penalty, the Administrator shall take into account the gravity of the violation, the size of the violator's business, the violator's history of compliance, action taken to remedy the violation, and the effect of the penalty on the violator's abilty to continue in business.

"(d) If any person fails to pay a civil penalty assessed under this section—

"(1) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with section 307, or

"(2) after a court in any action brought for judicial review has entered a final judgment in favor of the Administrator or the action has otherwise been terminated if such person has filed a petition for review under section 307,

the Attorney General shall recover the amount assessed (plus interest from the date of the expiration of sixty days from the date of the order, or from the date of such final judgment, as the case may be) in an action brought in any appropriate district court for the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to reveiw.".

(3) Section 203(c) of the Clean Air Act is amended by striking "from section 203(a)(3)" the second time it appears.

(g)(1)(A) Section 207(a)(3) of the Clean Air Act is amended by striking the last sentence and inserting in lieu thereof the following: "The term 'designed for emission control' as used in the preceeding sentence means a catalytic converter, thermal reactor, trap oxidizer, oxygen sensor, air pump, air flow sensor, electronic control unit and other elements of a fuel metering system, exhaust gas recirculation system, evaporative emission control system, and altitude compensation system, or any other component that is first installed on or in a vehicle in mass production after the date of enactment of the Clean Air Standards Attainment Act of 1987 and that is installed for the primary purpose of reducing vehicle emissions. Such term shall not include those vehicle components which were in general use prior to model year 1968.".

(B) The penultimate sentence of section 207(b)(2) of the Clean Air Act is amended by striking all after "catalytic converter, thermal reactor," and inserting in lieu thereof "trap oxidizer, oxygen sensor, air pump, air flow sensor, electronic control unit and other elements of a fuel metering system, exhaust gas recirculation system, evaporative emission control system, and altitude compensation system, or any other component that is first installed on or in a vehicle in mass production after the date of enactment of the Clean Air Standards Attainment Act of 1987 and that is installed for the primary purpose of reducing vehicle emissions.".

(2) Section 207(c) of the Clean Air Act is further amended by adding at the end thereof the following new paragraph:

"(7) The Administrator shall promulgate regulations requiring each State which is required to implement a vehicle inspection and maintenance program to adopt quality control audits to assure that such inspections detect and report to the Administrator any patterns of defects in any manufacturer's emission control systems. The Administrator shall annually report to the Congress, with respect to each manufacturer, any significant finding of repeated or common emission system defects and the actions taken to remedy such nonconformity through ordered or voluntary recalls or other actions authorized by this Act.".

(3)(A) Section 207(c)(3)(B) of the Clean Air Act is amended by striking all after "no commercial relationship" and inserting in lieu thereof a period.

(B) Section 203(a)(4)(C) of the Clean Air Act is amended by striking "except as provided in subsection (c)(3) of section 207,".

(C) Section 203(a) of the Clean Air Act is amended by adding at the end thereof the following: "Paragraph (4)(C) shall not apply to the provision of any communication regarding any part, component, or system, or service provided without charge under the terms of the purchase agreement.".

(4) Section 207(e) of the Clean Air Act is amended by inserting "(1)" after "(e)" and by adding the following new paragraph:

"(2)(A) Each manufacturer of a new motor vehicle shall affix, and each dealer shall maintain, on each motor vehicle manufactured during and after model year 1990, a label indicating the full cost of applying the warranty under subsections (a) and (b) to such new motor vehicle. The form and content of such label, and the manner in which such label shall be affixed, shall be prescribed by the Administrator by rule, except that each such label shall contain, in bold face type, the following statement: 'The vehicle manufacturer or dealer may offer to sell warranties extending beyond those required by section 207 (a) and (b) of the Clean Air Act and covering the emission system or other components or parts of the vehicle. The purchaser of the vehicle does not have any obligation to purchase the extended warranty from the manufacturer or the dealer. The vehicle purchaser may elect to buy an extended warranty from any other vendor of such warranties.'.

"(B) The Administrator may permit a manufacturer to comply with the provisions of subparagraph (A) by permitting such manufacturer to disclose the information required under this paragraph on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(C) A violation of subparagraph (A) shall be treated as a violation of section 3 of the Automobile Disclosure Act (15 U.S.C. 1232).

"(D) The Administrator shall utilize the authorities of section 208 of this Act to verify the costs disclosed by each manufacturer under subparagraph (A).".

(5) Section 207(g) of the Clean Air Act is amended to read as follows:

"(g) For the purposes of this section, the owner of any motor vehicle or motor vehicle engine warranted under this section is responsible in the proper maintenance of such vehicle or engine to replace and to maintain, at his expense and at any service establishment or facility of his choosing, such items as spark plugs, points, condensers, and any other part, item, or device related to emission control (but not designed for emission control under the last two sentences of subsection (a)(3)), unless such part, item, or device is covered by any warranty not required by this Act.".

REGULATION OF FUELS

SEC. 303. (a) Section 211 of the Clean Air Act is amended by adding the following new subsections:

"(h)(1) After July 1, 1990, the sale or introduction into commerce of diesel fuel for use in motor vehicles, which fuel has a sulfur content in excess of 0.05 per centum by weight, shall be prohibited.

"(2) The fuel required to be used in certification of heavy duty diesel vehicles and engines manufactured during and after model year 1991 shall have a sulfur content that does not exceed 0.05 per centum by weight.

"(3)(A) Paragraph (1) of this subsection and any regulations promulgated by the Administrator thereunder shall not require a small refinery to reduce the sulfur content of diesel fuel to 0.05 per centum by weight prior to July 1, 1993.

"(B) For the purpose of this subsection, the term "small refinery" means a refinery—

"(i) the diesel fuel producing capacity of which was in operation or under construc-

tion at any time during the one-year period immediately preceeding October 1, 1987,

"(ii) which has a crude oil or bona fide feed stock capacity (as determined by the Administrator) of 175,000 barrels per day or less, and

"(iii) which is owned or controlled by a refiner with a total combined crude oil or bona fide feed stock capacity (as determined by the Administrator) of 350,000 barrels per day or less.

"(4) The Administrator shall report to the Congress not later than the date six months after the enactment of this subsection, on whether a sulfur content in diesel fuel of 0.05 per centum by weight is necessary to assure that heavy-duty diesel vehicles and engines can achieve the particulate emission standards specified in section 202(a)(3)(F) or in regulations under section 202 for model year 1991 and model year 1994, or is otherwise warranted for the protection of public health.

"(i) Not later than two years after the date of enactment of this subsection, the Administrator shall promulgate regulations under this subsection requiring that the Reid vapor pressure of gasoline sold, offered for sale, or introduced into commerce during warm weather months (as defined by the Administrator), shall not exceed nine pounds per square inch, or with respect to any region established under section 178, any lower level requested by the regional commission for such region established under section 178(b). After April 1, 1990, no manufacturer or importer of gasoline may sell, offer for sale, or introduce into commerce any fuel which does not comply with such regulations. For ethanol/gasoline blends containing 10 percent denatured anhydrous ethanol, the Reid vapor pressure limitations promulgated pursuant to this subsection shall be 1.0 pound per square inch greater than the applicable Reig vapor pressure limitations which apply to gasoline: *Provided, however,* That a refiner, distributor, blender, marketer, reseller, carrier, retailer, or wholesale purchaser-consumer shall be deemed to be in full compliance with the provisions of this subsection and the regulations promulgated thereunder if it can demonstrate (by showing receipt of a certification or other evidence acceptable to the Administrator) that (I) the gasoline portion of the blend complies with the Reid vapor pressure limitations promulgated pursuant to this subsection, and (II) the ethanol portion of the blend does not exceed its waiver condition under subsection (f)(4).

"(j)(1) After October 1, 1989, the sale or introduction into commerce of gasoline for use in motor vehicles, in any area that is a nonattainment area as defined in section 171(2) for carbon monoxide, during the period from October 1 to April 1 of each year, which fuel has an oxygen content less than 2 per centum oxygen by weight, shall be prohibited.

"(2) After October 1, 1990, the sale or introduction into commerce of gasoline for use in motor vehicles, in any area that is a nonattainment area as defined in section 171(2) for carbon monoxide during the period from October 1 to April 1 of each year, which fuel has an oxygen content less than 3.7 per centum oxygen by weight, shall be prohibited.

"(3) The Administrator may waive the requirements of paragraph (1) or (2) in whole or in part with respect to the level of oxygen content, the timing of available oxygenated gasoline, or the use of oxygenated fuels, in a specific area, where full implementation of such provision may reasonably be anticipated to result in an unacceptable increase in levels of other air pollutants.

"(4) Not later than two years after the enactment of this subsection, the Administrator shall submit a report to the Environment and Public Works Committee of the United States Senate and the Energy and Commerce Committee of the House of Representatives concerning the increased use of oxygenated fuels nationwide; and the use of oxygenated fuels with an oxygen content by weight greater than 3.7 per centum. Such report shall include an analysis of emissions, drivability, fuel volatility and availability of gasoline with increased oxygen levels.".

(b)(1) Section 211(d) of the Clean Air Act is amended to read as follows:

"(d)(1) Any person who violates subsection (a), (f), (h) or (j) or the regulations prescribed under subsection (c), (h), or (i) or who fails to furnish any information required by the Administrator under subsection (b) shall be subject to a civil penalty of not more than $10,000 for each and every day of such violation. Such civil penalty shall be assessed by the Administrator by an order made on the record after opportunity for a hearing. In connection with any proceeding under this section the presiding officer may issue subpoenas for the attendance and testimony of witnesses and the production of papers, books, and documents.

"(2) In determining the amount of a civil penalty, the Administration shall take into account the gravity of the violation, the size of the violator's business, the violator's history of compliance, action taken to remedy the violation, and the effect of the penalty on the violator's ability to continue in business.

"(3) If a person fails to pay a civil penalty assessed under this subsection—

"(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with section 307, or

"(B) after a court in any action brought for judicial review has entered a final judgment in favor of the Administrator or the action has otherwise been terminated if such person has filed a petition for review under section 307,

the Attorney General shall recover the amount assessed (plus interest from the date of the expiration of sixty days from the date of the order, or from the date of such final judgment, as the case may be) in an action brought in any appropriate district court for the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(2) Section 211(c) of the Clean Air Act is amended by adding a new paragraph as follows:

"(5) Regulations under this subsection shall prohibit any person from introducing, or causing or allowing the introduction, of a regulated fuel or fuel additive into a motor vehicle not designed for such fuel or fuel additive.".

(b)(1) Effective January 1, 1992 each State shall implement a vehicle emission control inspection and maintenance program.

(2) The term "vehicle emission control inspection and maintenance program" as used in section 172(d) means a program to reduce in-use emissions of hydrocarbons, carbon monoxide, oxides of nitrogen, and diesel particulates from motor vehicles that—

(A) covers all vehicles regularly operating in the program area;

(B) includes at a minimum (i) each Metropolitan Statistical Area (as defined by the Director of the Bureau of the Census) with a population of one hundred thousand or more according to the 1985 Census, containing a nonattainment area, and (ii) each area identified under section 178(c)(1);

(C) requires annual emission testing and necessary adjustment, repair, or maintenance;

(D) requires direct inspection of components of vehicle emission control systems (including evidence of misfueling) and, where such components have been rendered inoperative, the repair or replacement of such components;

(E) requires inspection of heavy-duty vehicle exhaust or compliance with existing standards for the opacity of such exhaust;

(F) is operated on a centralized or, with respect to emission testing, computerized basis; and

(G) has a repair cost waiver in the case of failure of at least $200, or provides that any repair cost waiver limit shall apply only to costs that are not covered by a warranty under section 207.".

PART D—METHANE

SEC. 123. SHORT TITLE.

This part may be cited as the Methane Emissions Elimination Act.

SEC. 124. METHANE SOURCE IDENTIFICATION AND ASSESSMENT.

(a) Not later than January 1, 1991, the Administrator of the Environmental Protection Agency, in consultation with the Administrators of the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, shall submit to the Congress a report on the following:

(1) the contribution of methane to global climate change;

(2) the sources and sinks of methane;

(3) the methods of controlling emissions of methane; and,

(4) the relationship between emissions of methane and concentrations of other trace gases, including the hydroxyl radical.

(b) The Solid Waste Disposal Act is amended by—

(1) inserting in section 4001 immediately before "are environmentally" the following: "minimize emissions and other releases to the environment and which are otherwise".

(2) in section 4002(c)(1) striking the words "reasonable protection of ambient air quality" and substituting "and the minimization of emissions and other releases to the environment of pollutants including, but not limited to, methane or other harmful gases or materials".

(3) in section 4003(a) adding a new subsection (7) as follows:

"(7) The plan shall provide for methods (including prohibitions on the nature of materials which are disposed), practices, or technologies which minimize emissions of methane and other gases, both during operation and after closure."

(4) in section 4007(a) inserting immediately before the period at the end of the second sentence the following: ", provided that the Administrator determines that such plan satisfies the requirements of paragraph (7) of section 4003. Plans which fail to satisfy such requirements shall be disapproved".

(c) Not later than January 1, 1991, the Administrator shall promulgate regulations implementing the requirements of this section and requiring State plans developed

under Subtitle D of the Solid Waste Disposal Act to be amended and either approved or disapproved by July 1, 1992. Any plan not affirmatively approved by such date shall be deemed disapproved for purposes of the Solid Waste Disposal Act. Amended plans shall require all facilities constructed after January 1, 1993 subject to Subtitle D to be designed, constructed and operated so as to minimize emissions of methane and shall require all existing facilities to be modified prior to January 1, 1993 and thereafter operated so as to minimize emissions of methane and other pollutants.

(d) Effective January 1, 1994 mass releases of methane, whether through intentional venting of wells or otherwise, and flaring of methane are prohibited.

PART E—MISCELLANEOUS PROVISIONS

SEC. 125. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this title, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this Act. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator.

(d) CRIMINAL PENALTIES.—Any person who—

(1) knowingly exceeds the production limits under section 107 (production phase-out for initial list) or section 109 (limitation on ozone depletion potential);

(2) knowingly introduces into interstate commerce a substance that was produced in violation of section 107 or section 109;

(3) knowingly imports a substance listed under section 105, a product containing such substance, or product manufactured with a process that uses such substance, in violation of section 111 (certification of equivalent programs);

(4) knowingly introduces into interstate commerce a substance or product in violation of section 108 (limitation on use) or section 112 (labeling);

(5) knowingly omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this title; or

(6) knowingly produces, transports, distributes, or uses any substance listed under section 105, a product containing such substance, or a product manufactured with a process that uses such substance, and who knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this title

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.

(e) CIVIL PENALTY.—Any person who violates any requirement of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(f) VIOLATIONS.—Each day of violation of any requirement of this title shall, for purposes of this section, constitute a separate violation. In addition, for purposes of section 107 (production phase-out for initial list), section 108 (limitation on use), section 109 (limitation on ozone depletion potential), and paragraphs (1), (2), (3), and (4) of subsection (d) of this section, the production, introduction into commerce, or importation of each 100 pounds of a substance listed under section 105 that is in excess of the production limits under section 107 or section 109 shall constitute a separate violation.

SEC. 126. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of any fiscal action of the Administrator pursuant to this title shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such promulgation or denial or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(2) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

SEC. 127. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this title; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this title which is not discretionary with the Administrator.

Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (a)(2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties.

(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the violation to—

(i) the Administrator; and

(ii) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

(B) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurs.

(c) NOTICE.—No action may be commenced under paragraph (a)(2) of this section prior to 60 days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall precribe by regulation.

(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 125, may award costs of litigation (including) reasonable attorney and expert witness fees) to the prevailing or

substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) OTHER RIGHTS PRESERVED.—Nothing in this section, or this title, shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator).

SEC. 128. SEPARABILITY.

If any provision of this title, or the application of any provision of this title to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this title, shall not be affected thereby.

SEC. 129. RELATIONSHIP TO OTHER LAWS.

(a) Nothing in this title shall be construed to diminish the authority of the Administrator under the Clean Air Act, the Resource Conservation and Recovery Act or the Toxic Substances Control Act, or any other law, or to affect the authority of any other department, agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere, or the global environment.

(b) Nothing in this Act shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere or the global environment.

SEC. 130. AUTHORITY OF ADMINISTRATOR.

The Administrator is authorized to prescribe such regulations as are necessary to carry out this Act.

TITLE II—GLOBAL CHANGE ADJUSTMENT AND MITIGATION

SEC. 201. SHORT TITLE.

This title may be cited as the Environmental Adjustment Act of 1988.

SEC. 202. FINDINGS.

The Congress finds that—

(a) There has been an observed increase in global average temperatures of 0.7 degrees Centigrade in the last century;

(b) Regardless of any action taken by humanity, there will be further global average temperature increases of up to one degree Centigrade;

(c) Such temperature increases will manifest themselves in widespread alterations of the current environment;

(d) Such changes may include, but will almost certainly not be limited to, the following:

(1) a rise in the level of oceans, bays, sounds, and other bodies of water, with ensuring destruction of natural and manmade structures;

(2) shifts in patterns of rainfall and soil moisture, resulting in marked changes in agricultural productivity;

(3) changes in the distribution and seasonal availability of fresh water resources, including the exhaustion of surface and ground water supplies;

(4) increased political instability, with the potential for international conflict; and,

(5) accelerated extinction of plant and animal species, including many now classified as endangered;

(e) The adverse effects of some such changes can be mitigated through proper long range planning, analysis and, most importantly, action;

(f) Substantial resources can be saved through the adoption of a program to systematically identify the impacts of proposed actions on global environmental change and the effects of such changes on the natural environment and engineered structures and systems.

SEC. 203. AMENDMENT TO THE NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act of 1969 is amended by adding at the end thereof a new title as follows:

"TITLE III.—GLOBAL PROTECTION

"Subtitle A—Atmospheric Protection

"SEC. 301. SHORT TITLE.

"This subtitle may be cited as the "Atmosphere Protection Act of 1987".

"SEC. 302. FINDINGS.

The Congress, recognizing the profound and irreversible and potentially catastrophic impacts of humanity's activities on the global atmosphere and the world's environment, and the inability of science to predict with certainty the consequences for humanity of any such changes, hereby declares that each person has a responsibility and obligation to avoid contamination of the atmosphere.

"SEC. 303.

"The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all agencies of the Federal Government shall, with respect to pollutants, substances, products or practices which may contribute to global climate change, stratospheric ozone depletion or trace gas modification of the atmosphere—

"(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

"(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will assure that the environmental contamination is minimized;

"(C) include in every recommendation on report or proposals for legislation and other major actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Such pollutants and substances shall include, at a minimum, the following: carbon dioxide, oxides of nitrogen, chlorofluorocarbons, halons, methyl chloroform, carbon tetrachloride and methane. Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, and shall accompany the proposal through the existing agency review processes;

"(D) study, develop, describe and select appropriate alternatives which recognize and minimize the environmental impacts of such proposed action.

"(E) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

"(F) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

"(G) assist the Council on Environmental Quality established by subchapter II of this chapter."

SEC. 204. INVENTORY AND REVIEW OF FEDERAL FACILITIES, HOLDINGS AND ACTIVITIES

(a)(1) Not later than January 1, 1990, the President shall direct each agency and instrumentality of the Executive Branch to undertake a systematic and comprehensive survey of all Federal lands and structures to ascertain their vulnerability to changes associated with changes in the global environment. To the maximum extent practicable, such survey shall include the lands and structures of State and local government and Indian tribes as well. Such survey shall include, but not be limited to, the following:

(A) public highways, bridges, tunnels, and other transportation structures;

(B) ports, waterways, locks and dams;

(C) public buildings and monuments;

(D) publicly owned treatment works;

(E) national parks, forests, wilderness areas, wildlife refuges, marine sanctuaries, and all other comparable facilities; and,

(F) national defense facilities, including but not limited to military bases and reservations, whether located in the United States or elsewhere.

(2) Not later than January 1, 1992, the President shall submit a report to the Congress containing the results of the survey required by this section and recommending both generic and site-specific actions and policies to—

(A) preclude further public or private investment in areas succeptible to loss or damage due to global environmental change;

(B) minimize and mitigate the loss or damage due to the global environmental change which is likely to occur.

SEC. 205. GROUND WATER PROTECTION AND RECHARGE

(a) FINDINGS.—The Congress finds that—

(1) a consequence of global climate change may be the exhaustion of groundwater resources essential to the maintenance of agricultural productivity, the loss of which could jeopardize the national economy and security;

(2) existing knowledge and technology of artificial recharge of ground water is inad-

equate to meet existing and anticipated future water resource problems and to take advantage of possible water resource opportunities;

(3) a program to support and assure the study and development of artificial ground water recharge techniques is essential.

(b) The Secretary of the Army (hereinafter in this section referred to as the "Secretary") acting through the Chief of Engineers, is authorized to undertake a program of research, development, and demonstration of artificial groundwater recharge techniques. The purpose of such program shall be to—

(A) demonstrate the usefulness of artificial ground water recharge as a method for improving ground water quantity and for preventing degradation of, or improving ground water quality;

(B) determine the economic viability of artificial ground water recharge as a method of augmenting existing water supplies and improving ground water quality on a local or regional basis; and

(C) develop new and more efficient techniques for the transfer of surface water to existing or potential water bearing underground strata.

(3) In order to advance the purpose of this subsection, the Secretary shall, at different locations throughout the United States, design, construct, and operate and maintain projects to demonstrate different artificial ground water recharge techniques. To the maximum extent feasible, such locations shall be chosen to reflect a variety of geological, physical, and chemical conditions affecting ground water quality and quantity. In selecting such locations, and carrying out such work, the Secretary shall consult and coordinate with appropriate State and local governmental agencies.

(c) COORDINATION.—In order to prevent any unnecessary duplication of effort, and in order to fully utilize the available expertise of other agencies and departments of the United States, the Secretary, in carrying out subsection (b) of this section, shall consult and coordinate with the United States Geological Survey, the Environmental Protection Agency, the Bureau of Reclamation, and other appropriate agencies and departments of the United States.

(d) UTILIZATION OF CURRENT RESOURCES.—To the extent possible, activities undertaken pursuant to subsection (b) of this section shall utilize existing or authorized Corps of Engineers water resources projects, programs, facilities, and personnel.

(e) REPORT.—Not later than May 30, 1993, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works in the Senate, a final report describing the results of activities undertaken pursuant to this section. Not later than 30 months after the date of enactment of this Act, the Secretary shall transmit to such Committees of Congress a brief report describing the progress of such activities.

(f) DEFINITIONS.—For the purposes of this section, the term—

(1) "artificial ground water recharge" shall include but not be limited to techniques to supplement or otherwise affect ground water supplies such as wells, pits, ponds, spreading basins, or gravel chains; and

(2) "non-Federal sponsor" shall mean a State, city, county, or any other entity which derives its powers from a State constitution, or was created pursuant to an Act of a State legislature.

(g) SHORT TITLE.—This section shall be known as the "Ground Water Recharge Research and Demonstration Act".

TITLE III—INTERNATIONAL COOPERATION

SEC. 301. FINDINGS

The Congress finds that—

(a) Complete elimination of chloroflurocarbons and related chemicals which are destroying the Earth's protective ozone layer and adding to global temperature increases requires concerted international agreement and action;

(b) the most effective controls on emissions of carbon dioxide, hydrocarbons, oxides of nitrogen, methane and other trace gases which are increasing global temperatures will require concerted international agreement and action;

(c) international agreements to address some aspects of these global threats are already underway and include—

(1) an international protocol to reduce production and use of chloroflurocarbons;

(2) an international agreement to reduce emissions and trans-boundary transport of oxides of sulphur;

(3) an international agreement to reduce emissions and trans-boundary transport of oxides of nitrogen.

(d) in the absence of such international cooperation and agreement, the interests of the United States will be directly and substantially threatened due to—

(1) damage to the domestic environment;

(2) damage to the national economy;

(3) increased international tension;

(4) increased danger of international armed conflict.

SEC. 302. INTERNATIONAL COOPERATION

(a) the President is hereby directed to request that the United Nations promptly establish a temporary new agency to be headed by the director of the United Nations Environmental Program, to—

(1) Coordinate international efforts to minimize and mitigate the effects of unavoidable environmental alterations; and,

(2) provide financial, technical, and other assistance to developing nations to facilitate improvements in their domestic standards of living while minimizing or eliminating contributions to global, continental and subcontinental scale environmental damages.

(b) The President is hereby directed to request that the United Nations establish a temporary program of forestation to—

(1) assist and encourage nations in halting activities which are resulting in destruction of the world's forests; and,

(2) undertake a global program of reforestation.

(c) The President is hereby directed to insturct United States representatives to bilateral and multi-lateral organizations other than the United Nations to review the activities of such organizations to assure that their actions and programs are consistent with the goals and objectives of this Act and, where necessary, to persuade such organizations to adopt programs to implement the goals and objectives of this act.

TITLE IV—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

SEC. 401. FINDINGS

The Congress finds—

(1) It is essential that protection of the environment be assigned a priority which is at least equal to that assigned to other functions of the Federal government;

(2) Protection of the environment increasingly involves negotiations with the representatives of foreign states, a majority of whom are minister status; and

(3) The size of the budget and the number of Federal civil servants devoted to tasks associated with environmental protection is commensurate with department status.

SEC. 402. CREATION OF DEPARTMENT

(a) REDESIGNATION.—The Environmental Protection Agency is hereby redesignated as the Department of Environmental Protection and shall be an executive department in the executive branch of the Government.

(b) SECRETARY OF ENVIRONMENTAL PROTECTION.—(1) There shall be at the head of the Department a Secretary of Environmental Protection who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(2) Notwithstanding section 212 of title 38, United States Code, the Secretary may not assign duties for or delegate authority for the supervision of the Assistant Secretaries, the General Counsel, or the Inspector General of the Department to any officer of the Department other than the Deputy Secretary.

(c) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of a Secretary and a Deputy Secretary and may include an Executive Secretary.

SEC. 403. PRINCIPAL OFFICERS.

(a) DEPUTY SECRETARY.—There shall be in the Department of Environmental Protection a Deputy Secretary for Global Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe and shall be responsible for implementing the provisions of the Global Environmental Protection Act of 1988.

SEC. 404. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department of Environmental Protection such number of Assistant Secretaries, not to exceed eight, as the Secretary shall determine, each of whom—

(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

(2) Shall perform such functions as the Secretary shall prescribe.

(b) FUNCTIONS OF ASSISTANT SECRETARIES.—The Secretary shall assign to Assistant Secretaries such functions as the Secretary considers appropriate, which may include the following functions;

(1) Administration and resources management;

(2) Enforcement and compliance monitoring;

(3) Policy Planning and Evaluation;

(4) External affairs;

(5) Research and development;

(6) Regulation of pesticides and toxic substances;

(7) Regulation of air pollution and radiation;

(8) Regulation of water pollution;

(9) Regulation of solid waste, and administration of toxic chemical and other liability and emergency response programs.

(c) DESIGNATION OF FUNCTIONS PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular functions of the Department such individual will exercise upon taking office.

(d) CONTINUING PERFORMANCE OF ASSISTANT SECRETARY FUNCTIONS PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by an Assistant Secretary of the Department may continue to perform such functions until such functions are assigned to an individual appointed as an Assistant Secretary of the Department under this Act.

SEC. 405. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department of Environmental Protection such number of Deputy Assistant Secretaries, not exceeding twenty-four, as the Secretary may determine.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) MINIMUM NUMBER OF DEPUTY ASSISTANT SECRETARY POSITIONS IN THE COMPETITIVE SERVICE.—At least two-thirds of the number of positions established under subsection (a) and filled under subsection (b) shall be in the competitive service.

(d) FUNCTIONS.—(1) Subject to paragraph (2), functions assigned to an Assistant Secretary under section 4(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

(2) The following functions may be performed by a Deputy Assistant Secretary only if such Deputy Assistant Secretary is in a competitive service position:

(A) Personnel management and labor relations functions.

(B) Equal opportunity functions.

SEC. 406. OFFICE OF THE GENERAL COUNSEL.

There shall be in the Department of Environmental Protection the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 407. OFFICE OF THE INSPECTOR GENERAL.

(a) REDESIGNATION.—The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978, is hereby redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 408. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) TEMPORARY DETAILS TO SENIOR POSITIONS.—Notwithstanding section 3348 of title 5, United States Code, a vacancy in the position of Secretary, Deputy Secretary, Assistant Secretary, General Counsel, or Inspector General caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of title 5, United States Code, for not more than 120 days unless a nomination to fill such vacancy has been submitted to the Senate, in which case the person so designated may serve—

(1) until the Senate confirms the nomination;

(2) for not more than 30 days after the date that the Senate rejects the nomination; or

(3) if the position is so filled during an adjournment of Congress sine die, for not more than 120 days after the Congress next convenes.

(b) LIMITATION ON NUMBER OF NONCAREER SENIOR EXECUTIVES.—Notwithstanding section 3134(d) of title 5, United States Code, the number of Senior Executive Service positions in the Department of Environmental Protection which are filled by noncareer appointees in any fiscal year may not exceed 5 percent of the total number of senior executives employed in Senior Executive Service positions in the Department at the end of the preceding fiscal year.

(c) LIMITATION ON NUMBER OF SCHEDULE C EMPLOYEES.—The number of positions in the Department of Environmental Protection which may be excepted from the competitive service, on a temporary or permanent basis, because of their confidential or policy-determining character may not at any time exceed the equivalent of 15 full-time positions.

(d) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with the appointment of any person to any position in or to perform any services for the Department of Environmental Protection or in the assignment or advancement of any employee in the Department.

SEC. 409. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Environmental Protection Act—

(1) to the Administrator of the Environmental Protection Agency shall be deemed to refer to the Secretary of Environmental Protection;

(2) to the Environmental Protection Agency shall be deemed to refer to the Department of Environmental Protection;

(3) to the Deputy Administrator of Environmental Protection Agency shall be deemed to refer to the Deputy Secretary of Environmental Protection;

SEC. 410. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of Environmental Protection Agency, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Environmental Protection Agency, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operaton of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall abate by reason of the enactment of this Act.

(3) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department of Environmental Protection.

SEC. 411. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Environmental Protection".

(b) DEFINITION OF DEPARTMENT, CIVIL SERVICE LAWS.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

"THE DEPARTMENT OF ENVIRONMENTAL PROTECTION"

(c) COMPENSATION, LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"SECRETARY OF ENVIRONMENTAL PROTECTION"

(d) COMPENSATION, LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking out "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of Environmental Protection".

(e) COMPENSATION, LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of Environmental Protection"; and

(2) by adding at the end thereof the following:

"Assistant Secretaries, Department of Environmental Protection (8).

"General Counsel, Department of Environmental Protection.".

(g) INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 is amended—

(1) in section 2(1)—

(A) by inserting "the Department of Environmental Protection,": after "Transportation,";

(B) by striking out "The Environmental Protection Agency.";

(2) in section 11(1)—

(A) by striking out "or Transportation" and inserting "Transportation, or Environmental Protection,"; and

(3) in section 11(2)—

(A) by striking out "or Transportation" and inserting "Transportation, or Environmental Protection,"; and

SEC. 412. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Environment and Public Works of the

United States Senate and the appropriate committees of the House of Representatives, the Secretary of Environmental Protection shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the United States Code, and to other provisions of law, to reflect the changes made by this Act. Such legislation shall be submitted not later than 6 months after the effective date of this Act.

SEC. 413. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on such date during the 6-month period beginning on the date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this Act and such amendments shall take effect on July 1, 1989.

TITLE V—DEVELOPMENT OF NON-POLLUTING ENERGY SOURCES

SEC. 501. NATIONAL COMMISSION ON INHERENTLY SAFE NUCLEAR ENERGY

(a) There is established a commission to be known as the National Commission on Inherently Safe Nuclear Energy (hereinafter in this section referred to as the "Commission").

(b) The duties of the Commission are to:

(1) Assess generally the safety and reliability of the current generation of nuclear power plants in the United States;

(2) Review the nuclear industries of other nations which rely heavily on nuclear power for the generation of their electricity and report on the comparative safety and reliability of the programs of those nations, which shall include but not be limited to France, West Germany, Canada, Japan, Sweden, and Finland;

(3) Review each incident in the United States related to the operation of a nuclear power plant in which there has been personal injury, or a significant threat thereof, and report on the causes or consequences of such incident, including ways in which it could have been avoided;

(4) Review and assess the nature and magnitude of public opposition and concern with the safety of nuclear power and the reasons for such concern and opposition;

(5) Evaluate options for responding to the concerns and fears of the public in a fashion which allays fears by responding substantively;

(6) Evaluate the suitability of the current structure of the domestic utility industry with respect to the safe and efficient operation of nuclear units, and alternatives to such current structure;

(7) Identify and evaluate each inherently safe passive control technology which might reasonably become available by the year 2010 and examine explicitly whether each such technology has the potential to minimize or eliminate the risks, whether real or perceived, associated with nuclear power by the American public;

(8) Review the differences in operating records of each utility operating nuclear generating plants and make specific recommendations for changes in technologies, policies, practices, and organizational structure of the industry designed to assure that the best of those safety records become the standard for the United States industry;

(9) Conclude and state specifically whether it is possible to develop in the United States a nuclear industry capable of supplying not less than 50 percent of the nation's electricity needs through the year 2100 in a way which enjoys the trust, confidence and support of the public.

(c)(1) The Commission shall be composed of nineteen members as follows:

(A) six appointed by the Speaker of the United States House of Representatives from among the Members of the House of Representatives;

(B) four appointed by the majority leader of the United States Senate from among the Members of the United States Senate;

(C) eight appointed by the President as follows:

(i) four from among a list of nominations submitted to the President by the National Governors Association;

(ii) one from among a list of nominations submitted to the President by the National League of Cities and the United States Conference of Mayors;

(iii) three from among a list of nominations submitted to the President from groups, organizations, or associations of citizens which are representative of persons concerned with pollution and environmental issues and which have participated, at the State or Federal level, in studies, administrative proceedings, or litigation (or any combination thereof) relating to nuclear energy; and

(D) the Chairman of the Nuclear Regulatory Commission.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Not more than four of the six members appointed under subparagraph (A) and not more than three of the four members appointed under subparagraph (B) may be of the same political party. No member appointed under paragraph (C) may be an officer or employee of the Federal Government.

(2) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(3) Members shall be appointed for the life of the Commission.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled (subject to appropriations provided in advance) to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(B) Members of the Commission who are Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(5) Five members of the Commission shall constitute a quorum but two may hold hearings.

(6) The Chairman of the Commission shall be appointed by the Speaker of the House of Representatives from among members appointed under paragraph (1)(A) of this subsection and the Vice Chairman of the Commission shall be appointed by the majority leader of the Senate from among members appointed under paragraph (1)(B) of this subsection. The Chairman and the Vice Chairman of the Commission shall serve for the life of the Commission unless they cease to be members of the Commission before the termination of the Commission.

(7) The Commission shall meet at the call of the Chairman or a majority of its members.

(d)(1) The Commission shall have a Director who shall be appointed by the Chairman, without regard to section 5311(b) of title 5, United States Code.

(2) The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

(3) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(4) The Commission shall request, and the head of any Executive Branch Agency is authorized to detail on a reimbursable non-reimbursable basis, any of the personnel of their respective agencies to the Commission to assist it in carrying out its duties under this section.

(e)(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f)(1) The Commission shall transmit to the President and each House of the Congress a report not later than October 30, 1994. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to each item listed in subsection (b), together with its recommendations for such legislation; and administrative actions, as it considers appropriate.

(g) The Commission shall cease to exist on January 1, 1995.

(i) There is authorized to be appropriated for the fiscal year 1989 through 1995 not to exceed $50,000,000 to carry out this section.

SEC. 502. NATIONAL GOAL

It is hereby established as a national goal of the United States to derive 50 percent of the national supply of energy from non-pol-

luting technologies and practices by the year 2000 and 100 percent by the year 2050.

[From the New York Times, July 24, 1988]

DEADLY COMBINATION FELLING TREES IN EAST

(By Philip Shabecoff)

MOUNT MITCHELL, NC.—Thousands of dead trees, their barren trunks and branches stark against a hazy sky, stand like an army of skeletons as far as the eye can see along the crest of this mountain.

Five years ago a red spruce forest covered the top of Mount Mitchell, the highest mountain east of the Mississipi. Today, only raspberry and blackberry bushes, slumps of sedge and a few young trees, brown and dying, cover the ground near the summit.

This stark evidence is forcing many scientiests to accept a conclusion that seemed only a possibility five years ago: air pollution, including acids in the air, is combining with natural stresses to cause heavy damage to forests throughout the East.

"What you see here is happening all along the crest of the Appalachians from Maine to Georgia," said Prof. Robert I. Bruck of North Carolina State University, a plant pathologist.

Dr. Bruck observed early symptons of the decline of Mount Mitchell's spruce and fir five years ago. Now the ecological system at the summit has collapsed, he said.

CANARY IN THE COAL MINE

Dr. Bruck said he was "90 percent certain" that manmade air pollution traveling from the Ohio and Tennessee valleys, particularly low-level ozone and acidic moisture in clouds, was combining with such natural stresses as the high temperatures and drought of recent years to create an environment in which the trees cannot survive.

So far, the effects are chiefly visible at high altitudes, where natural stresses are greatest and acidic clouds are nearest. But a number of scientists who believe that high levels of air pollution are instrumental in destroying coniferous forests at high altitudes in the East also expressed another fear in interviews over the past few days.

They warned that the death of the mountain top spruce and fir forests might be what several of them called "the canary in the coal mine"—an early warning that forests of low altitudes, including hardwood forests, are also in danger of being damaged by a combination of man-made and natural stresses.

Dr. Bruck said the damage he is seeing on 6,684-foot Mount Mitchell seems similar to the early stages of the mass destruction of forests in recent years in central Europe. Dr. Bruck and the other scientiests interviewed said that the role of air polution in killing the trees was still a hypothesis rather than a scientific fact. But virtually all contended that prudence dictated action.

Of most serious concern, the scientists said, are ozone and acidity in clouds, rain, snow and dust. Ozone is formed at ground level by the reaction of sunlight with manmade pollutants from automobile exhaust, industry and a variety of small sources.

While ozone in the upper atmosphere shields the earth from damaging ultra-violet radiation from the sun, ground level ozone contributes to smog, respiratory damage to people and damage to trees and crops. Acid rain, clouds, snow and dust are formed when pollutants, chiefly oxides of nitrogen and sulfur from coal-fired power plants, are transformed chemically as they travel through the atmosphere. Acid rain has been found by scientists to be destroying life in lakes and streams in the Northeast and Canada.

But while the ill effects of these pollutions have been documented, scientists say it is difficult to separate their influence from climate or other possible factors. The problem is complicated by the fact that scientists only began intensive studies of forests a decade ago.

WE SHOULD NOT WAIT

Volker H. Mohnen, a professor of atmospheric science at the State University of New York at Albany, who has watched half the spruce trees atop Whiteface Mountain in upstate New York die in recent years, said that while it is has not been conclusively proved that air pollution added to natural stress is killing the trees, "I would advocate housekeeping before all the answers are in."

"We should not wait," he said. "We must address the problem holistically."

He said that a variety of pollutants released by the combustion of fossil fuel, including sulfur, nitrogen and carbon, might not only be damaging forests but also might be contributing to other crucial problems like urban smog, acidic lakes and global warming, the greenhouse effect.

There are, Dr. Mohnen said, "economic and technological solutions to improve our fossil fuel-based society by increasing efficiency and, at the same time, decrease emissions of sulfur, nitrogen and carbon."

There is also growing evidence that air pollution may be damaging or slowing the growth of trees in other parts of the country, according to David L. Radloff, a United States Forest Service representative on the Administration's program to study acid rain. He said evidence in recent years supported the hypothesis that high ozone concentrations were contributing to the declining growth rate of southern yellow pine trees, one of the nation's more important commercial species. There are also indications that ozone and other airborne pollutants are damaging tress along virtually the whole length of the Sierras in California, he said.

OPINION HAS EVOLVED

Forest Service officials had been extremely skeptical until recently that air pollution might play a significant role in slowing the growth of trees and damaging forests. Dr. Radloff said that the evidence linking the declining health of forests and the high levels of pollution reaching those forests was still "circumstantial."

But the discovery in the past couple of years that ozone pollution was reaching very high levels in rural as well as urban areas and the discovery that clouds could be significantly more acidic than acid rain has caused opinion in the Forest Service to "evolve," Dr. Radloff said.

The World Research Institute, a Washington-based research and policy group, has had a team of scientists investigating the potential effect of multiple air pollutants on trees and field crops. Mohamed El-Ashry, the group's vice president for research and policy, said that the research over the last two years had demonstrated "systematic links" between air pollution and the destruction of trees and crops in all parts of the country.

Dr. El-Ashry also said the deaths of trees reflected the end of a long process reflecting the accumulated stress of air pollution stretching back for decades. "By the time we see visible damage it is the beginning of the end," he said.

Acid air pollution and ozone, Dr. El-Ashry said, had been found to weaken trees to the point where "they cannot avoid destruction by natural causes such as frosts, high winds, insects and disease."

He also said the group's researchers had been finding that the forests dying along the Eastern Seaboard cannot regenerate because of high levels of lead and other heavy metals in the soil.

SCIENTIFIC DISAGREEMENT

Not all those with an immediate interest in the nation's forests agree that air pollution is a threat to the nation's forests. Robert C. Kaufman, director of the air quality program of the American Paper Institute and National Forest Products Association, industry groups, said that "there is no evidence that acid deposition is affecting the soil of commercial forests."

He asserted, "We do not see conclusive evidence air pollution in general is causing reduced productivity in commercial forests."

Mr. Kaufman added that the industry saw no need for a regulatory program to curb acid rain, but that it did support more research into the effects of acid rain.

Walter L. Warnick, who represents the Energy Department on the Administration's acid rain study program, said that the death of trees on a large scale "is not unprecedented in history." He also said that the scientific consensus that pollution from fossil fuels is damaging trees is "shaky."

Several scientists have contended that the trees are dying because of climatic factors, particularly the hot summers and cold winters of recent years.

But Dr. Michael Oppenheimer, an atmospheric physicist with the Environmental Defense Fund, a national environmental group, said that mounting evidence shows this: "Forests all along the Eastern seaboard and into Canada are experiencing stress at high and low altitudes. The stress comes from air pollution and from climate extremes we have seen in recent years from the greenhouse effect. What is going on is an indicator that the natural environment is in very, very deep trouble due to air pollution."

"Those mountain tops sit in a chemical soup made of ozone, acid fog and acid deposition, which puts them under continual stress. It is starting to look as if those stressed systems are snapping like rubber bands."

The soup has been especially potent on the top of Mount Mitchell in this hot, dry summer. It is widely agreed, Dr. Bruck said, that ozone levels of 55 parts per billion in the air are enough to cause physiological damage to spruce and fir trees. Measurements taken by his research team, he reported, have shown that since May 1, ozone levels have been above that level 90 percent of the time; more than 120 parts per billion 28 percent of the time, and once reached a high of 178 parts per billion. Moreover, the ozone has remained over the mountain through the night instead of dissipating as it normally does in lower latitudes, he said.

Dr. Bruck has also noted a rapid deterioration of the forest down the slope, all the way to the transition line between the coniferous and hardwood trees. Dr. Bruck said he had observed some damage to the hardwood trees but that there had not been any studies of the extent or the cause of the damage to these trees.

Standing at the edge of a bowl of dead and dying trees several thousand feet below the summit of Mount Mitchell, Dr. Bruck said, "This is not supposed to be happening."

[From the Washington Post, July 7, 1988]

YELLOWSTONE FIREFIGHTING: "LIGHT HAND ON THE LAND"

LIGHTNING-SPARKED BLAZE BACKS AWAY FROM OLD FAITHFUL; FOCUS IS ON PROTECTING STRUCTURES

(By Geoffrey O'Gara)

GRANT VILLAGE, YELLOWSTONE NATIONAL PARK, WYO.—Small knots of flame appeared and faded, appeared and faded in the dense smoke that rose this afternoon behind the Grant Village ranger station, as an arc of foam fell on the shingle roof. Firefighters sat on logs, some with rags on their faces to keep away the ash, watching for spot fires leapfrogging the main blaze among a dozen fires burning in the park.

"We're just sitting here waiting for it to get here," said Roger Castillo, a fire information specialist with the National Park Service. The Grant Village fire was expected to make a run at this modern complex of cabins, hotel and campground late today.

Park service officials have concentrated most of their energy here because of the structures at risk, though larger fires are burning in the park's northeast and southeast quadrants during this unusually dry, hot summer. The largest, the Clover Mist fire on the northeastern edge of the park, covered more than 35,000 acres.

Earlier today, winds pushed a 5,500-acre blaze away from Old Faithful, the park's most famous geyser, where visitors were evacuated Saturday from the 82-year-old inn, the lodge and cabins. The fire, touched off Friday by lightning in nearby Targhee National Forest, was burning today seven to eight miles west of the Old Faithful complex, but tourists were being allowed to drive into the area to see the geyser, one of 200 natural hot springs in the park.

In fact, park life proceeded more or less normally today, although about 3 percent of its 2.2 million acres was in flames. The south entrance was closed, but the other three remained open, and tourists stopped along the north shore of Yellowstone Lake, east of Grant Village, to watch smoke plume above the trees.

Park service officials estimated that 1,700 firefighters were fighting—or merely trying to manage—the blazes, which fed in some places on 300-year-old trees.

Over the hum of fire trucks parked by the Grant Village ranger station, the advancing fire crackled quietly. But the flames were obscured by billowing gray smoke, tumbling over the trucks and cabins, with an occasional towering chute as fire climbed a vulnerable lodgepole pine.

About 4,000 campers and tourists were evacuated from Grant Village last Friday. Today, tourists saw the sights through a whitish haze that blanketed the entire park and surrounding national forests.

Thus far, the park service is sticking to its "light hand on the land" policy. A few hundred firefighters moved against the Clover Mint fire only when it jumped park boundaries into Shoshone National Forest.

Instead of trying to stop the fires from burning through the park's dense stands of lodgepole pine, firefighters have concentrated on protecting multimillion-dollar facilities like Grant Village, Old Faithful Lodge, roads and campgrounds. Those areas were being cleared of deadfall and pine needles to rob the flames of fuel if they arrived.

Flame-throwing helicopters also stood ready to start "backfires"—fuel-consuming fire-breaks—if the blaze turned back toward Old Faithful.

Firefighting conditions improved today, as some rain—and the temperature—fell, although not enough to stop the fires cold. "These fires are going to burn until the weather puts them out," fire information officer Bruce Fox told the Associated Press.

Each day, about noon when the wind kicks up, the fires begin to build, then make their final runs late in the day before abating at dusk. Watching flames approach the village this afternoon, Castillo said, "This is a healthy fire. It doesn't get up every tree, it spots ahead. You're cleaning out the undergrowth, and that's a natural phenomenon."

GLOBAL ENVIRONMENT BILL OUTLINE

The general approach of the bill will be to have five titles, as follows:

Title I: Regulation of Global Change Pollutants.

Title II: Climate Change Adjustment and Mitigation.

Title III: International Cooperation.

Title IV: Elevation of EPA to a Cabinet Level Agency.

Title V: Development of Non-Polluting Power.

Reductions: Initial rough calculations are that the bill would reduce CO_2 emissions in the United States by about 35 percent in the year 2010 assuming, conservatively, no growth in the size of the vehicle fleet. CFCs would be completely eliminated, except for essential medical uses, by 2000. In the absence of an adequate computer model to measure the effects of such changes, a best guess of the bill's effect on warming trends is that it would eliminate one to two degrees of the eight degree F global temperature increase projected to occur by the year 2030.

TITLE I: REGULATION OF GLOBAL CHANGE POLLUTANTS

1. Coverage:

a. Chlorflurocarbons (CFC's).

b. Carbon dioxide (CO_2).

c. Ozone (O_3) (via oxides of nitrogen (NO_X) and hydrocarbons (HC).

d. Methane (CH_4).

Regulatory programs: CFC's

Goal: complete elimination of halogenated CFC use and sale by 1999.

1. Bans on production and sale:

A. Fully halogenated CFCs: six years from the date of enactment, the production of fully halogenated CFCs is prohibited. Uses, except for essential medical uses, are banned five years later.

B. Partially halogenated CFCs: ten years from the date of enactment, the production of partially halogenated CFCs is prohibited. Uses, except for essential medical uses, are banned five years later.

C. Exceptions:

i. essential medical uses are excluded from the bans on production and sale.

2. Regulations on production and disposal

A. Effective 24 months after the date of enactment, the use of CFCs except in a totally enclosed system is prohibited. Totally enclosed systems must—

i. Preclude the release of any more than 5 percent of the original charge during the life time of the equipment;

ii. Be equipped with servicing apertures to allow removal and storage of CFCs during repair or maintenance of the equipment.

B. Effective 12 months from the date of enactment, the storage, treatment and disposal of CFCs, or appliances or goods containing CFCs, must be regulated under subtitle C of RCRA, which shall require all waste CFCs to be incinerated to 99.999 percent destruction of disposed CFCs (or a chemical treatment equivalent thereof). (Recycling is not disposal under RCRA>)

Regulatory programs: CO_2

Goal: The achievement of a 50 percent reduction in emissions of CO_2 by the year 2000.

1. Regulation of new sources:

A. Vehicles: effective with model year 1990, vehicles are required to achieve CO_2 emissions reductions below 1985 as follows:

	Percent
1990	10
1995	25
2000	50
2010	75

B. Stationary sources:

i. Powerplants: fossil-fuel fired electricity generating plants are required to achieve CO_2 emission limits reflecting the following efficiencies:

	Percent
1990	35
2000	50
2010	75

ii. Residential units: effective five years from the date of enactment, all new homes are required to be equipped with furnaces and hot water heaters emitting CO_2 in an amount not exceeding the equivalent of the best efficiencies currently available commercially and air conditioners with an enregy efficiency rating of not less than 15.0.

2. Regulation of existing sources:

A. Powerplants: effective in 1995, establish a mandatory retirement age of 30.

B. Industrial/commercial: effective in 1995, establish a mandatory retirement age of 35.

C. Residential: effective in 1995, require that all furnace and CAC replacements meet the standards described above.

Regulatory programs: Ozone

1. Oxides of nitrogen:

A. Vehicular sources: a tailpipe NOx limit of .4 (down from the current law's requirement of 1.0) grams per mile is established. Nationwide I&M and a 10-year/100,000 mile warranty are required.

B. Stationary sources:

i. New: effective in 1991, require a 90 percent reduction in emissions of oxides of nitrogen from each newly constructed source.

ii. Existing: effective in 1995, require each major utility source to reduce NOx emissions by 90 percent upon reaching its 30th anniversary and each major industrial/commercial source to reduce NOx emissions by 90 percent upon reaching its 35th anniversary.

2. Hydrocarbons:

A. Vehicular sources: a tailpipe HC limit of .25 (down from the current law's requirement of .41) grams per mile is established. On-board vapor recovery is also required.

B. Stationary sources:

i. New: 50-state BACT by 1993.

ii. Existing:

Require each major source to install BACT on its 30th anniversary of operation or 1995, whichever is later.

Require new regulations for the control of specified categories of existing sources to be promulgated.

Regulatory programs: Methane

1. Source identification: require EPA to inventory and report on all sources of CH4 emissions by January 1, 1991.

2. Interim requirements:

A. Wells and refineries: effective January 1, 1994, prohibit the mass releases or flaring of methane.

B. Landfills:

New: require new landfills opened after January 1, 1993 to be designed, constructed and operated to minimize emissions of methane and other air pollutants;

Existing: require all existing landfills to be retrofitted by January 1, 1993 to minimize emissions of methane and other air pollutants.

TITLE II: GLOBAL CHANGE ADJUSTMENT AND MITIGATION

1. NEPA amendment: amend NEPA to (a) require preparation of environmental impact statements on the effects of proposed action on the global environment; and (b) minimize the impacts of the proposed action on the environment.

2. Federal public works survey: require the Federal government to undertake a comprehensive survey of all Federally-owned lands (national parks, wilderness areas, etc.) and public works (highways, buildings, military bases, etc.) to determine their vulnerability to global changes. Also, require the development of site-specific mitigation plans.

3. Private investment: require a Presidential report recommending actions and policies to preclude public or private investment in susceptible areas.

4. Corps of Engineers: expand the authority of the Corps of Engineers to include climate change mitigation measures, including—

a. Identification and mapping of areas likely to be adversely affected by increases in sea level or other environmental changes; and,

b. Provision of water supplies for groundwater recharge.

TITLE III: INTERNATIONAL COOPERATION

1. Governmental cooperation: require the President to petition the United Nations to establish a temporary new agency, to be headed by the director of the United Nations Environmental Program, to—

a. Coordinate international efforts to minimize and mitigate the effects of unavoidable environmental alterations;

b. Provide financial, technical and other assistance to developing nations to enable improvements in the standard of living while avoiding aggravation of global, continental and subcontinental scale environmental damages.

2. Deforestation: require the President to petition the United Nations to establish a temporary program of forestation to—

a. Halt deforestation and desertification; and,

b. Reforest areas already cleared.

TITLE IV: ELEVATION OF EPA TO CABINET LEVEL

Without increasing the authorities of the Environmental Protection Agency, confer on it cabinet status.

TITLE V: NON-POLLUTING ENERGY SOURCES

Nuclear: establish a temporary National Commission on Inherently Safe Nuclear Energy to report to the Congress by January 1, 1994 on—

a. The reasons for public fears and apprehensions regarding the safety of nuclear energy and ways to allay such fears by responding to them substantively (e.g., building in safety margins which engineers might consider unnecessary, etc.).

b. The prospects for developing inherently safe nuclear technologies.

c. The reasons for different safety records between domestic companies and between the United States and other nations, and ways to assure that the best records become the industry standard.

General: establish as a national goal of the United States to generate 100 percent of the nation's power from non-polluting energy sources by the year 2050.

Mr. BAUCUS. Mr. President, the world's climate is changing. Effluents from modern society are slowly building up in the Earth's atmosphere.

Extensive weather records compiled in the United States and Great Britain demonstrate that the world has warmed about 1 degree Fahrenheit since 1880.

One degree doesn't sound like much but at the height of the last ice age about 18,000 years ago with much of North America locked under a mantle of ice, the world was only about 9 degrees cooler than today.

While 1 degree over a 100-year period of time is very fast in a geologic sense, it is not something that instantly arouses concern.

What does raise the spectre of concern is the accelerating pace of this change.

Since 1980, the warming trend has accelerated; 1987 was the warmest year worldwide since temperature record keeping began in the 19th century.

The two next warmest years occurred in 1981 and 1983; 1988 promises to break all records.

The Nation's attention is focused on the devastating drought we are experiencing. For the past 3 months, we have daily learned of the damage being caused to the Nation's agriculture. In my own State of Montana, crop yields may only reach one-third of previous volumes.

But the agriculture impacts don't stop at the U.S. border; the impact are worldwide. Crop-killing damage extends into the prairies of Canada, throughout Africa, India and the north China plain.

Stockpiles of grain which only a few months ago were considered abundant have largely disappeared.

While the impacts on global agriculture are both tragic and visible, they do not represent the full extent of the drought.

The tinder dry conditions of our forests and rangelands have resulted in extensive fires burning hundreds of thousands of acres across the United States.

As stream flows decrease, rivers wither and are unable to transport barges, affecting the economies of whole communities. Barges stranded on the Mississippi would have been considered out of the realm of possibility a few years ago. Today it is a reality.

Communities relying both on surface and ground water find themselves running out of drinking water. Water use restrictions are becoming increasingly prevalent from coast to coast.

While there is not unanimity among the scientific community whether or not this year's drought is man-caused, there is agreement the Earth is warming and that greenhouse gases are building up in the atmosphere.

Current projections based upon existing rates of adding greenhouse gases to the atmosphere are that worldwide climate will warm by another 7 to 8 degrees Fahrenheit by the middle of the next century. Each day we wait to begin to address the problem commits the world to more change.

No one knows what this change really means. We must accept this fact. What we do know is that we are going to have a climate that hasn't existed for over 100,000 years. And we do know that even the short-term 1 year drought has produced dramatic economic trauma.

This concern alone should move us to action. But, I believe a recent global climate phenomenon involving stratospheric ozone makes the most compelling case for why we need to act now.

In 1974, the scientific theory was put forward that CFC's could destroy the Earth's stratospheric ozone layer. A major Presidential report concluded that we needed to discontinue use of these substances. Those with vested interests countered that too much scientific uncertainty existed to warrant terminating production of these substances.

These substances while destroying stratospheric ozone are also extremely potent greenhouse gases.

The response to industry was that governments failed to act until the information was overwhelming.

Unfortunately, we acted too late. We are now living with the consequences of this decision. Future generations are likely to pay a high cost for our failure to act.

Surprises now dominate the science of stratospheric ozone. No one predicted an ozone hole over Antarctica, but it is now a reality extending north over Argentina with the potential to grow much larger. No one predicted ozone depletion over the Northern Hemisphere. Now, scientists expect that an Arctic hole similar to an Antarctic hole exists.

Stratospheric ozone depletion while involving the entire globe is caused by a small group of chemicals.

Greenhouse gases include a much wider spectrum of chemicals. The levels of scientific uncertainty are even greater. The commitments already made to warming are large.

What is not understood, is what surprises are in store for us. What are the things no one considered? What Antarctic hole analogies exist for climate change?

The question must be raised, what is the risk of not acting? The legislation

being introduced today charts a course to avoid disaster.

The Global Climate Protection Act, for the first time regulates all greenhouse gases, insures that decisions made by the United States do not exacerbate the problem, charts a course for the development of an international treaty to control global air pollution and puts in place programs to take effective actions to mitigate the impacts of a changed climate.

The Global Climate Protection Act establishes a regulatory program to control emissions of greenhouse gases.

Chlorofluorocarbons and other halogenated carbon compounds have been recognized as being responsible for destroying the Earth's protective ozone shield high above the Earth's surface in the stratosphere.

These same compounds are extremely potent greenhouse gases. In the lower atmosphere, these compounds are as much as 10,000 times more efficient than carbon dioxide in trapping ultraviolet radiation. It has been estimated that these gases are responsible for between 15 to 20 percent of the greenhouse gas buildup.

The legislation being introduced today calls for the complete elimination of the use of the most potent greenhouse gases over the next 6 years. Other halogenated carbon compounds since they are both less efficient greenhouse gases and can play an important role in moving to safer substitutes are provided a longer phaseout schedule.

Carbon dioxide, a byproduct of burning fossil fuels is the single largest source of greenhouse gases. The United States is the single largest source of these emissions. To address the problem posed by this greenhouse gas, as a nation we must become much more efficient in the use of energy.

The legislation establishes emissions rates for carbon dioxide from fossil fuel fired electric utility generating units beginning with a limit of 610 pounds of carbon dioxide per million British thermal units on January 1, 1990 and reducing the emission rate to 435 pounds by the year 2000 and 280 pounds of CO_2 per million Btu's by 2010.

Standards and a slower reduction schedule are then established for nonutility boilers. A standard of 610 pounds of carbon dioxide per million Btu's by 1990 is established. A standard of 435 pounds of carbon dioxide per million British thermal units by 2010 is then required.

Beginning in 1995, every fossil fuel fired utility must comply with standards under the Clean Air Act when the facility turns 30 years old in the case of electric utility generating sources and 35 years for other sources.

Every time a tank of gas is used to fuel your automobile, approximately 400 pounds of carbon dioxide is released to the atmosphere.

Emissions on a vehicle mile basis must be reduced. Emissions of carbon dioxide from mobile sources must be reduced. 10 percent in 1990, 25 percent in 1995; 50 percent in the year 2000; and at least 75 percent by the year 2010.

The legislation requires "best available residential control technology" for residential furnaces, central air conditioners and hot water heaters.

A third class of greenhouse gases addressed by this legislation is groundlevel ozone. Oxides of nitrogen when reacted with sunlight form ozone a greenhouse gas. Oxides of nitrogen emitted through the combustion of fossil fuels is currently regulated under existing authorities in the Clean Air Act. The Administrator of EPA is to promulgate a revised standard for fossil fuel fired steam or electricity generating facilities of equal to or less than 0.1 pounds per million British thermal units or a 90-percent reduction from an uncontrolled state by 1991.

For large stationary diesel or turbine engines, the Administrators shall establish a new standard by 1991.

Methane, one of the more troubling greenhouse gases, is increasing more rapidly than any other greenhouse gas in the atmosphere. Unlike other greenhouse gases, methane is released to the atmosphere from both natural and man-made sources. The Administrator or EPA in consultation with the Administrators of NOAA and NASA are to identify the sources and sinks for methane; its affect on global climate change and to report back to Congress on its findings.

One of the major man-made sources of methane is municipal landfills. The legislation requires that methane and other gas emissions be controlled by 1993.

A national policy is established to insure that all Federal policies are interpreted and administered to minimize impacts to the world's global environment. The National Environmental Policy Act is amended to specifically require that atmospheric contaminants be considered in all Federal actions.

The United States is the single largest source of greenhouse gases. The United States has the technical expertise to address the problem, but to achieve this task, a high level Federal commitment to solving the problem will be needed. A full cabinet-level Department of Environmental Protection is needed to achieve this goal.

To insure that a high-level international effort comparable to the U.S. effort is undertaken, a new agency within the United Nations focused exclusively on global climate change is created.

The legislation then recognizes that as a nation, we must find energy sources which do not pollute. Nuclear power at one time offered that hope, but misguided regulators, and lack of attention to long-term safety has caused the American public to lose faith in nuclear power. The legislation establishes a national commission to investigate ways to construct and operate safe nuclear energy facilities.

The threat posed by greenhouse gases is so large and so potentially disruptive that we must begin to take steps immediately to address them. The Global Climate Protection Act is a step in that direction.

ADDITIONAL SPONSORS

S. 549

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 549, a bill to remedy injury to the U.S. textile and apparel industries caused by increased imports.

S. 628

At the request of Mr. GRASSLEY, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 628, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 675

At the request of Mr. HUMPHREY, his name was added as a cosponsor of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 1081

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1081, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan.

S. 1523

At the request of Mr. METZENBAUM, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1523, a bill to amend chapter 96 of title 18, United States Code.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capac-

ity to participate in community and family life, and for other purposes.

S. 1738

At the request of Mr. WILSON, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1738, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 1804

At the request of Mr. ROTH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1804, a bill to amend the National Wildlife Refuge Administration Act.

S. 1877

At the request of Mr. ROTH, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1877, a bill to restore balance among sources of supply for the Nation's sweetener needs, and for other purposes.

S. 2033

At the request of Mr. THURMOND, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2142

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2142, a bill to establish a National Mars Commission, and for other purposes.

S. 2320

At the request of Mr. EXON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2320, a bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

S. 2346

At the request of Mr. HARKIN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2346, a bill to preserve the cooperative, peaceful uses of outer space for the benefit of all mankind by prohibiting the basing or testing of weapons in outer space and the testing of antisatellite weapons, and for other purposes.

S. 2523

At the request of Mr. REID, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2523, a bill to amend title 23, United States Code, to require States to promptly suspend or revoke the license of a driver found to be driving under the influence of alcohol and for other purposes.

S. 2530

At the request of Mr. BINGAMAN, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 2530, a bill to improve the management of the Federal pay system and increase efficiency and productivity of Federal employees, and for other purposes.

S. 2561

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2561, a bill to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes.

S. 2650

At the request of Mr. JOHNSTON, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 2650, a bill to establish the National Park of Samoa.

SENATE JOINT RESOLUTION 321

At the request of Mr. BRADLEY, the names of the Senator from California [Mr. CRANSTON], the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. DOLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arizona [Mr. MCCAIN], the Senator from Vermont [Mr. STAFFORD], the Senator from Colorado [Mr. WIRTH], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maine [Mr. MITCHELL], the Senator from North Carolina [Mr. SANFORD], the Senator from Utah [Mr. GARN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 321, a joint resolution to designate the period commencing February 19, 1989, and ending February 25, 1989, as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 346

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. STAFFORD], the Senator from Michigan [Mr. RIEGLE], the Senator from Montana [Mr. MELCHER], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 346, a joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 350

At the request of Mr. SIMON, the names of the Senator from Tennessee [Mr. GORE] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 350, a joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. GRASSLEY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of applicants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thronton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 132

At the request of Mr. SIMON, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Concurrent Resolution 132, a concurrent resolution regarding the protection and promotion of human rights in the Republic of Singapore.

AMENDMENT NO. 2689

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. MCCAIN], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of amendment No. 2689 proposed to H.R. 4782, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

At the request of Mr. DECONCINI, his name was added as a cosponsor of amendment No. 2689 proposed to H.R. 4782, supra.

AMENDMENTS SUBMITTED

DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1989

MCCAIN (AND OTHERS) AMENDMENT No. 2690

Mr. MCCAIN (for himself, Mr. WILSON, and Mr. DOLE) proposed an amendment to the bill (H.R. 4782) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending Septem-

ber 30, 1989, and for other purposes; as follows:

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

The Senate finds that:

The 1923 Soviet demarcation of Azerbaijan and Armenia resulted in over 100,000 Armenians residing in Azerbaijan;

The Armenian people of Azerbaijan have called upon the Soviet Government to allow them to secede and join Armenia;

The Supreme Soviet in March 1988 refused to allow the secession of Nagorno-Karabakh to Armenia;

The legislature of Nagorno-Karabakh voted on July 12, 1988 to secede from Azerbaijan and unite with Armenia;

On July 18, 1988, the Presidium of the Supreme Soviet rejected proposals for any changes in the region's borders;

The Soviet citizenship of Armenian leader and activist Paruir Airikyan has been revoked for "damaging the prestige of the Soviet Union";

The Soviet Army has been deployed to the region to maintain order, and has forceably disrupted and suppressed peaceful demonstrations;

Dozens of Armenians have been killed and hundreds injured during the recent unrest: Now therefore be it the sense of the Senate that:

(1) the Soviet government should respect the legitimate aspirations of the Armenian people.

(2) The Soviet government should discontinue its very serious violations of the human rights of the Armenian people

(3) If the Soviet Union continues its deplorable suppression of the Armenian people, it will inevitably impact on U.S.-Soviet relations

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PELL (AND OTHERS) AMENDMENT NO. 2691

Mr. PELL (for himself, Mr. EVANS, Mr. MOYNIHAN, Mr. SANFORD, and Mr. SIMON) proposed an amendment, which was subsequently modified, to the bill H.R. 4782, supra; as follows:

SEC. 101. UNITED STATES SUPPORT FOR UNITED NATIONS SECURITY AND PEACEKEEPING ACTIVITIES

(a) The Congress finds—

(1) The United Nations has had a vital role in mobilizing world opinion against the Soviet occupation of Afghanistan and in negotiating an agreement providing for a Soviet withdrawal from Afghanistan by March 15, 1989, thus permitting the people of that country to regain their freedom and independence;

(2) United Nations Security Council Resolution 598 has provided the framework for an agreement to end the Iran-Iraq war which has been the world's longest lasting and bloodiest conflict since World War II;

(3) United Nations sponsored negotiations now underway provide real hope for a peaceful settlement in Cyprus, thus ending the bifurcation of that island and a military occupation of fourteen years duration;

(4) The prospective United Nations role in administering the Western Sahara and conducting a referendum there provides a means for settling a thirteen year old war which has threatened the security of Morocco, an important United States ally; and

(5) United Nations peacekeeping forces will be instrumental to the implementation of prospective agreements providing for independence in Namibia and Vietnamese withdrawal from Cambodia.

(b) The Congress further finds that—

(1) The United Nations security and peacekeeping activities are in the vital national security interests of the United States;

(2) United Nations security and peacekeeping activities represent an unparalleled opportunity for resolution of major regional conflicts;

(3) The United Nations activities will save the United States hundreds of millions of dollars that otherwise would have to be spent in protecting U.S. interests in regions such as the Persian Gulf or in support of U.S. friends in Afghanistan, Angola, and Cambodia; and

(4) The United States therefore should support United Nations security and peacekeeping activities by paying its full assessed contributions to the United Nations and its proportionate share of peacekeeping activities.

GRAMM (AND OTHERS) AMENDMENT NO. 2692

Mr. GRAMM (for himself, Mr. COCHRAN, and Mr. NICKLES) proposed an amendment to the bill H.R. 4782, supra; as follows:

On page 77, line 14, strike all after the words "as amended" through line 23 and insert in lieu thereof the following: "$250,000,000.

"Notwithstanding any other provision of this Act, the appropriation of the Drug Enforcement Administration shall be increased by $58,555,000."

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1989

BRADLEY AMENDMENT NO. 2693

Mr. BRADLEY proposed an amendment to the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1989, and for other purposes; as follows:

On page 52, line 7, after "part A," insert "part B,".

On page 52, line 17, strike out "$1,104,180,000" and insert in lieu thereof "$1,106,180,000".

On page 52, line 18, strike out "$502,000,000" and insert in lieu thereof "$494,000,000".

On page 52, line 20, strike out "$473,700,000" and insert in lieu thereof "$465,700,000".

On page 52, line 26, after the comma insert the following: "$10,000,000 for part B,".

On page 63, line 5, strike out "$260,600,000" and insert in lieu thereof "$258,600,000".

CRANSTON (AND KENNEDY) AMENDMENT NO. 2694

Mr. CRANSTON (for himself and Mr. KENNEDY) proposed an amendment to the reported amendment on page 30, line 7 to the bill H.R. 4783, supra; as follows:

At the end of the pending committee amendment, add the following:

"Notwithstanding any other provision of this Act, AIDS education programs funded by the Centers for Disease Control and other education curricula funded under this Act dealing with sexual activity—

(1) shall not be designed to promote or encourage, direclty, intravenous drug abuse or sexual acitivity, homosexual or heterosexual, and

(2) in addition, with regard to AIDS education programs and curricula—

(A) shall be designed to reduce exposure to and transmission of the etiologic agent for acquired immune deficiency syndrome by providing accurate information, and

(B) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse;"

HUMPHREY AMENDMENT NO. 2695

Mr. HUMPHREY proposed an amendment to the bill H.R. 4783, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . None of the funds made available under this Act shall be used to waive the minimal risk standard for fetal research.

MELCHER (AND CRANSTON) AMENDMENT NO. 2696

Mr. MELCHER (for himself and Mr. CRANSTON) proposed an amendment to the bill H.R. 4783, supra; as follows:

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

SEC. . (a)(1) In enacting this section Congress hereby—

(A) recognizes the national and international legal protection granted chimpanzees under the Endangered Species Act and the Convention on International Trade of Endangered Species, to which the United States is signatory, and also the World Health Organization's Policy Statement on Use of Primates for Biomedical Purposes, all of which acknowledges the threatened or endangered status of the chimpanzee; and

(B) acknowledges that substantial public monies are already being expended on a National Chimpanzee Breeding and Research Program in the United States.

(2) No funds appropriated under this Act or any other provision of law shall be used by the National Institutes of Health, or any other Federal agency, or recipient of Federal funds and be expended on any project that entail the capture or procurement of chimpanzees obtained from the wild.

(b) For purposes of this section, the term "recipient of Federal funds" includes private citizens, corporations, or other research institutions located outside of the United States that are recipients of Federal funds.

HELMS (AND EXON) AMENDMENT NO. 2697

Mr. HELMS (for himself and Mr. EXON) proposed an amendment to the reported amendment on page 40, line 23 of the bill H.R. 4783, supra; as follows:

At the appropriate place in the pending amendment add the following:

SEC. . None of the funds made available under this Act, or an amendment made by this Act for the Department of Health and Human Services including funds provided for under the heading grants to states for medicaid shall be used on the premises of any elementary or secondary school to provide the following: contraceptive drugs or devices, prescriptions for contraceptive drugs or devices, transporation for contraceptive drugs or devices, referrals for contraceptive drugs or devices, abortions, transportation to aid in obtaining an abortion, counseling to encourage a child to obtain an abortion, or referrals for obtaining an abortion.

EXON AMENDMENT NO. 2699

Mr. EXON proposed an amendment to the reported amendment on page 46, lines 2 and 3 to the bill, H.R. 4783, supra; as follows:

Strike line 3 on page 46 and insert in lieu thereof the following:

"victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; nor are payments prohibited for drugs to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of ectopic pregnancy: provided, however, that the several states are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate, except where the life of the mother would be endangered if the fetus were carried to term."

HUMPHREY AMENDMENT NO. 2700

Mr. HUMPHREY proposed an amendment, which was subsequently modified, to the reported amendment on page 49, line 4, to the bill, H.R. 4783, supra; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. . Notwithstanding any other provision of this Act, or amendment thereafter, none of the funds made available by this Act shall be used in materials, curriculums, or programs that promote or encourage homosexuality, or to use words stating that homosexuality is "normal," "natural," or "healthy.".

NICKLES AMENDMENT NO. 2701

Mr. NICKLES proposed an amendment to the bill H.R. 4783, supra; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available under this Act, or an amendment made by this Act for the Department of Health and Human Services including funds provided for under the heading grants to states for medicaid shall be used on the premises of any elementary or secondary school to provide the following: abortions, transportation to aid in obtaining an abortion, counseling to encourage a child to obtain an abortion, or referrals for obtaining an abortion.

HEINZ (AND OTHERS) AMENDMENT NO. 2702

Mr. HEINZ (for himself, Mr. WIRTH, and Mr. SANFORD) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 26, line 21, strike "$132,578,000" and insert "$130,578,000."

On page 41, line 26, strike "Public Law 95-266" and insert "Public Law 100-294".

On page 42, line 8, strike "$2,573,465,000" and insert "$2,575,465,000".

PRYOR AMENDMENT NO. 2703

Mr. PRYOR proposed an amendment to the bill H.R. 4783, supra; as follows:

At the end of the bill, add the following:

CONSULTING SERVICES

SEC. . (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development; technical representatives; training; quality control, testing, and inspection services; specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, or instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to—

(1) 15 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(1); and

(2) 5 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(2).

(d) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

CHILES AMENDMENT NO. 2704

Mr. CHILES proposed an amendment No. 2703 proposed by Mr. PRYOR to the bill H.R. 4783, supra; as follows:

Strike out subsection (C), beginning on page 2.

Insert the following in-lieu-thereof:

(c) All savings to any department, agency, or instrumentality which result from the application of subsection (a), shall be used for the four percent increase in rates of pay in such department, agency, or instrumentality made under this Act.

BINGAMAN (AND WILSON) AMENDMENT NO. 2705

Mr. BINGAMAN (for himself and Mr. WILSON) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 52, line 17, strike the numeral and insert in lieu thereof "$1,098,180,000".

On page 52, line 18, strike the numeral and insert in lieu thereof "$486,000,000".

On page 52, line 20, strike the numeral and insert in lieu thereof "$457,700,000".

On page 54, line 26, before the comma, insert "including section 372 of said Act".

On page 55, line 1, strike out "$1,076,130,000" and insert in lieu thereof "$1,084,130,000".

CHILES AMENDMENT NO. 2706

Mr. CHILES proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 74, line 9, after the word "expended", add the following:

"*: Provided further*, That funds provided under this paragraph as well as $15,000,000 provided for Capital Outlay in Public Law 100-202 shall, immediately upon enactment of this Act, be made available for the construction of a 200-bed Intermediate Care Facility on the grounds of the LaGarde building."

On page 42, line 8, before the period, insert:

Provided, That appropriations to carry out the Comprehensive Child Development Program under chapter 8, subchapter E of the Omnibus Budget Reconciliation Act of 1981, shall be available notwithstanding Sec. 670T(b) of that Act.

On page 68, line 25, add the following:

Furthermore, the Commission has the power to accept voluntary and uncompensated services, notwithstanding section 1342 of Title 31, and shall continue operating, notwithstanding sections 208 and 209 of Public Law 99-660.

On page 54, after line 20, insert the following:

"$750,000 shall be for carrying out section 202(j)(1)."

During the 12-month period beginning October 1, 1988, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State pursuant to sections 427 or 471 of the Social Security Act, as a result of a disallowance determination made in connection with a compliance review for any federal fiscal year preceding federal fiscal year 1989, until all judicial proceedings, including appeals, relating to such disallowance determination have been finally concluded, nor may such funds be used to conduct further compliance reviews with respect to any

State which is a party to such judicial proceeding until such proceeding has been finally concluded.

On page four, add the following language after line two:

The Congress recognizes the need to prepare the Nation's workforce for the more complex work environment of the U.S. post-industrial economy. The Congress is concerned with the findings of the Office of Technology Assessment that 25 million workes will have to upgrade their job skills by the end of this century. Accordingly, the Congress directs the Secretary to give priority to funding pilots and demonstrations and research, development, and evaluation programs that will address this urgent National priority.

Further, in recognition that upgrading the skills of 25 million workers cannot be achieved with current methods of teaching, the Congress directs the Secretary to fund from the available National activities program funds research and development projects using interactive laser-videodisc technology course materials that are specifically designed to upgrade "workplace literacy."

SIMON AMENDMENT NO. 2707

Mr. SIMON proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 56, line 24 between the words "study" and "in" insert the words "of less than one year"

On page 51, line 8, strike all after the word "That" through the word "to" on line 9 and insert in lieu thereof "no State shall receive less than $340,000 under section 1006 from"

On page 61, line 15, before the period insert a colon and the following: *"Provided further,* That the State of Illinois is relieved of all liability to repay the United States the sum of $14,547,769 representing payments made to Illinois under the Library Services and Construction Act for fiscal years 1977 through 1986 which were disallowed because of a pioneering nature of the program for libraries in that State and, in the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this proviso".

QUAYLE AMENDMENT NO. 2708

Mr. QUAYLE proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 30, line 19, strike out "and" and insert a comma.

On page 30, line 21, insert before the period a comma and "and of which $250,000 shall be available for advisory services relating to alcohol"

KENNEDY (AND OTHERS) AMENDMENT NO. 2709

Mr. KENNEDY (for himself, Mr. HEINZ, Mr. BRADLEY, Mr. SIMON, Mr. CHAFEE, Mr. SANFORD, Mr. BOREN, Mr. ADAMS, Mr. STAFFORD, Mr. METZENBAUM, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. PELL, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 79, between lines 21 and 22, insert the following:

SEC. . It is the sense of the Senate that the Senate conferees on this Act should in the conference report on this Act appropriate and make available amounts equal to $39,800,000,000 in budget authority.

WEICKER (AND OTHERS) AMENDMENT NO. 2710

Mr. WEICKER (for himself, Mr. MITCHELL, Mr. HEINZ, Mr. RUDMAN, Mr. SIMON, Mr. REIGLE, Mr. KENNEDY, Mr. HARKIN, Mr. BRADLEY, and Mr. BOND) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 50, between lines 5 and 6, insert the following new section:

SEC. 221. (a) The Senate finds that—

(1) the Low Income Home Energy Assistance Program is a critical component of the Nation's "safety net" protecting the lives of the most vulnerable in our society through providing assistance to poor families unable to afford to heat their homes in the winter and cool them in the summer;

(2) the average recipient of the Low Income Home Energy Assistance Program has an income of 72 percent of the poverty level and nearly 40 percent are elderly or have an elderly member in the household;

(3) prolonged periods of very hot or very cold weather claim more lives nationally than any other natural disaster, with older persons as the primary victims of such disasters;

(4) if enacted at the level recommended by the President's budget, Federal funding for the Low Income Home Energy Assistance Program will have been cut 34 percent in the last 2 years;

(5) the Department of Health and Human Services estimates that in fiscal year 1988 500,000 households were dropped from the program and the average Low Income Home Energy Assistance Program benefit declined 3 percent to below $200 per year, with many States reporting the elimination of weatherization assistance, the reduction of crisis assistance, a cut in the summer cooling program and the early termination of programs, in order to cope with the 16 percent cut; and

(6) the budget summit agreement stipulated that in implementing the budget agreement essential programs serving the poor should have a priority.

(b) Therefore, it is the sense of the Senate that priority be given to providing an appropriation for the Low Income Home Energy Assistance Program in an amount not less than the fiscal year 1988 appropriation.

HUMPHREY AMENDMENT NO. 2711

Mr. HUMPHREY proposed an amendment to the bill H.R. 4783, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . None of the funds appropriated under this Act shall be used to perform an abortion on a woman for the sole purpose of providing fetal organs or tissue for medical transplantation to any animal or person.

At the appropriate place, insert the following new section:

SEC. . (a) None of the funds appropriated under this Act shall be used to knowingly acquire, receive or otherwise transfer any human (including that derived from a fetus) organ or organ subpart for valuable consideration for use in human or animal transplantation.

(b) None of the funds appropriated under this Act shall be used to knowingly acquire, receive or otherwise transfer any human organ or organ subpart derived from a fetus that has been aborted for the sole purpose of medically transplanting such organs or organ subparts to any animal or person.

(c) For purposes of subsection (a) and (b):

(1) The term "human organ" means the human kidney, liver, heart lung, pancreas, brain, bone marrow, cornea, eye, bone, and skin and any other human organ specified by the Secretary of Health and Human Services by regulation.

(2) The term "valuable consideration" does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ, or organ subpart or the expenses of travel, housing and lost wages incurred by the donor of a human organ or organ subpart in connection with the donation of the organ or organ subpart.

At the appropriate place, insert the following new section:

SEC. . None of the funds appropriated under this Act shall be used to offer any inducement, monetary or otherwise, for a woman to have an abortion for the purpose of providing fetal organs for medical transplantation to any animal or person.

At the appropriate place, insert the following new section:

SEC. . None of the funds made available under this Act shall be used to waive the minimal risk standard for fetal research.

METZENBAUM (AND GLENN) AMENDMENT NO. 2712

Mr. CHILES (for Mr. METZENBAUM, for himself, and Mr. GLENN) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 42, line 20 strike the period and insert in lieu thereof:

": *Provided,* That not to exceed $350,000 may be made available for the establishment of a high quality, population based cancer registry in the metropolitan Cleveland, Ohio area."

CHILES (AND TRIBLE) AMENDMENT NO. 2713

Mr. CHILES (for himself and Mr. TRIBLE) proposed an amendment to the bill H.R. 4783, supra; as follows:

Insert before the period on page 51, line 22, the following:

: Provided, That any school district that received an overpayment under section 2 in fiscal year 1984 funds and also received 30.13 per centum of such sum in an overpayment of the subsequent fiscal year's funds, is relieved of the liability to repay those sums, together with interest on such sums

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BAUCUS (AND MELCHER) AMENDMENT NO. 2714

Mr. CHILES (for Mr. BAUCUS, for himself and Mr. MELCHER) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 54, between lines 22 and 23, insert the following:

"Of the funds provided under the heading "Rehabilitation Services and Handicapped Research" in fiscal year 1987 in Public Law 99-500 and Public Law 99-501, for carrying out the Rehabilitation Act of 1973, which are unobligated, the sum of $500,000 is reappropriated for an allotment under section 100(b)(1) of the Rehabilitation Act of 1973 to Montana for obligations incurred by Montana during fiscal year 1987.".

RIEGLE (AND OTHERS) AMENDMENT NO. 2715

Mr. CHILES (for Mr. RIEGLE, for himself, Mr. BINGAMAN, and Mr. WILSON) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 42, line 8, strike out the period and insert in lieu thereof a comma and the following: "of which, $8,750,000 shall be made available to carry out the State Dependent Care Development Grants Act (42 U.S.C. 9871 et seq.), and an additional $3,250,000 shall be made available to carry out such Act.".

On page 55, line 24, strike out "$5,837,095,000" and insert in lieu thereof "$5,833,845,000".

KENNEDY AMENDMENT NO. 2716

Mr. KENNEDY proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 52, line 17, strike the numeral and insert in lieu thereof "1,088,180,000".

On page 52, line 18, strike the numeral and insert in lieu thereof "$476,000,000".

On page 52, line 20, strike the numeral and insert in lieu thereof $447,700,000".

On page 59, between lines 3 and 4, insert the following:

Provided further, That an additional amount of $10,000,000 shall be made available for part D of title I of the Higher Education Act of 1965, relating to the student literacy corps program, to become available on July 1, 1989, and remain available until September 30, 1990.

STEVENS AMENDMENT NO. 2717

Mr. STEVENS proposed an amendment to the bill H.R. 4783, supra; as follows:

At an appropriate place in the bill, insert the following:

SEC. . When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

SASSER (AND BRADLEY) AMENDMENT NO. 2718

Mr. CHILES (for Mr. SASSER, for himself and Mr. BRADLEY) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 35, line 5, strike "$1,839,819,000", and insert "$1,835,519,000".

Beginning on page 35, strike line 19 beginning at "Provided further" and all that follows through "1990:" on page 36, line 2.

WILSON (AND OTHERS) AMENDMENT NO. 2719

Mr. WILSON (for himself, Mr. DOMENICI, and Mr. MCCAIN) proposed an amendment to the bill H.R. 4783, supra; as follows:

On page 50, between lines 5 and 6, insert the following new section:

SEC. . (a)(1) In the case of all appropriation accounts within this title from which expenses for travel, transportation (including per diem allowances) supplies, and materials and equipment under object classifications 21.0, 22.0, 26.0 and 31.0 are paid under the Public Health Service Act (42 U.S.C. 201 et seq.), there shall be obligated under such accounts in fiscal year 1989 a uniform percentage of such amounts as are determined by the President in accordance with paragraph (2) that, but for this subsection, would—

(A) be available for obligation in such accounts as of October 1, 1988;

(B) be planned to be obligated for such expenses after such date during fiscal year 1989; and

(C) result in total outlays of $13,000,000 in fiscal year 1989.

(2) Prior to making a determination under paragraph (1), the President shall obtain, from the Director of the Office of Management and Budget and the Comptroller General of the United States, recommendations for determinations with respect to—

(A) the identification of the accounts affected under this subsection;

(B) the amount in each such account available as of October 1, 1988, for obligation;

(C) the amounts planned to be obligated for such expenses after such date in fiscal year 1989; and

(D) the uniform percentage by which such amounts must be reduced in order to comply with paragraph (1).

(3) Not later than 30 days after the date of enactment of this Act, the President shall prepare and submit, to the appropriate committees of Congress, a report specifying the determinations of the President under paragraphs (1) and (2).

(4) Sections 1341(A) and 1517 of title 31, United States Code, shall apply to each account for which a determination is made by the President under paragraphs (1) and (2).

(b) From amounts made available under subsection (a), the Secretary of Health and Human Services shall make payments to trauma care centers to partially reimburse such centers for uncompensated care costs incurred by such centers through their treatment of undocumented patients during fiscal year 1988.

(c) To be eligible to receive funds under this section, a trauma care center shall—

(1) be considered as a trauma care center under regulation promulgated by the Secretary for the purpose of this section;

(2) submit an application to the Secretary in such form and containing such information as the Secretary of Health and Human Services shall require; and

(3) demonstrate to the Secretary that such center has incurred a loss in revenues because of uncompensated care costs, of which 20 percent of such costs resulted from the center's treatment of undocumented patients.

(d) Not later than 60 days after the date of enactment of this section, the Secretary of Health and Human Services shall—

(1) prepare a list of trauma care centers eligible to receive an allotment under subsection (e); and

(2) promulgate regulations necessary to carry out this section.

(e) The Secretary of Health and Human Services shall allot to each eligible trauma care center an amount equal to the sum of the amount that bears the same ratio to the amount of funds made available under this section as the loss incurred by the eligible trauma care center bears to the loss incurred by all eligible trauma care centers identified by the Secretary.

(f) The Secretary of Health and Human Services shall pay to each eligible trauma care center the amount of its allotment under subsection (e).

IMPROVEMENT MANAGEMENT OF FEDERAL PAY

ROTH AMENDMENT NO. 2720

Mr. DOLE (for Mr. ROTH) proposed an amendment to the bill (S. 2530) to improve the management of the Federal pay system and increase efficiency and productivity of Federal employees, and for other purposes; as follows:

On page 17, insert after line 14 the following:

"(3) Bonus payments by an agency during any fiscal year may not exceed one percent of the agency's payroll for that fiscal year, unless the Office of Personnel Management authorizes a higher limit for the agency due to unusually difficult recruitment or retention problems.".

On page 19, insert after line 2 the following:

"(e) The Office of Personnel Management shall submit a report to Congress each year on the operation of this section, including the number and amounts of bonus payments and the occupations and agencies involved.".

On page 19, insert after line 7 the following:

"(c) SENSE OF CONGRESS.—The amendments made by this section are enacted by the Congress with the expectation that bonus payments under such amendments will prove to be a more cost-effective method to deal with recruitment and retention difficulties than the payment of higher minimum rates of pay under section 5303 of title 5, United States Code.

"(d) REPEAL.—The amendments made by this section are repealed 7 years after the date of enactment of this Act.".

TAFT INSTITUTE PROGRAM REAUTHORIZATION

PELL AMENDMENT NO. 2721

Mr. BYRD (for Mr. PELL, for himself, Mr. THURMOND, Ms. MIKULSKI, and Mr. COCHRAN) proposed an amendment to the bill (H.R. 4585) to extend the authorization of appropriations for the Taft Institute through fiscal year 1991; as follows:

On page 1, between lines 2 and 3, insert the following:

TITLE I—THE TAFT INSTITUTE

PROGRAM REAUTHORIZATION

On page 1, line 3, strike out "That section" and insert in lieu thereof "SEC. 101. Section".

At the end of the bill, add the following new titles:

TITLE II—CONSTITUTIONAL BICENTENNIAL EDUCATION PROGRAM

TEACHER TRAINING AMENDMENT

SEC. 201. Section 501(c)(1) of the Arts, Humanities, and Museums Amendments of 1985 is amended—

(1) by striking out "$5,000,000 for each of the fiscal years 1987 and 1988," and inserting in lieu thereof "$8,000,000 for each of the fiscal years";

(2) by inserting before the period at the end thereof a comma and the following: "of which at least $3,000,000 in each fiscal year shall be reserved for elementary and secondary teacher training and retraining programs in history, geography, and other related disciplines in the social sciences and humanities designed to enhance understanding of the Constitution.

TITLE III—LIBRARY AND EDUCATION RESOURCE AUTHORIZATIONS

WASHINGTON LIBRARY CONSORTIUM

SEC. 301. (a) GENERAL AUTHORITY.—The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this section, to the Washington Library Consortium for the purpose of constructing and equipping a facility in Prince Georges County, Maryland, that would link by computer eight university libraries (located at American University, Georgetown University, George Washington University, Catholic University, George Mason University, Gallaudet University, Marymount University, and the University of the District of Columbia) and provide central storage for the rare books of the participating institutions of higher education.

(b) APPLICATION.—No financial assistance may be made under this section unless an application is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

VERMONT HIGHER EDUCATION COUNCIL

SEC. 302. (a) GENERAL AUTHORITY.—The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this section, to the Vermont Higher Education Council located in Hyde Park, Vermont, for development activities for faculty at institutions of higher education which are members of the Vermont Higher Education Council designed to address and overcome professional isolation experienced by such faculty members.

(b) APPLICATION REQUIRED.—No financial assistance may be made under this section unless an application is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

HEALTH AND HUMAN RESOURCES CENTER AUTHORIZED

SEC. 303. (a) GENERAL AUTHORITY.—The Secretary of Education is authorized, in accordance with the provisions of this section, to provide financial assistance to Voorhees College, located in Denmark, South Carolina, to pay the cost of construction and related costs for a Health and Human Resources Center at Voorhees College.

(b) APPLICATION REQUIRED.—No financial assistance may be made under this section unless an application is made at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums, not to exceed $4,500,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

UNIVERSITY OF MISSISSIPPI LAW LIBRARY

SEC. 304. (a) GENERAL AUTHORITY.—The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this section, to the University of Mississippi Law School for the renovation and completion of the library facilities of the University of Mississippi Law School at Oxford, Mississippi.

(b) APPLICATION REQUIRED.—No financial assistance may be made under this section unless an application is submitted to the Archivist at such time, in such manner, and containing or accompanied by such information as the Archivist may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,200,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

TITLE IV—STUDENT LOAN DEFAULT TAX OFFSET PROGRAM

SENSE OF THE SENATE

SEC. 401. (a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Service program to offset tax refunds against amounts owed by individuals who owe the Federal Government money has been remarkably effective;

(2) $400,000,000 is anticipate to be raised by the offset program this year;

(3) the most effective offset program, returning $213,000,000 in 1987, has been default student loans;

(4) the publicity from the offset program has resulted in $30,000,000 being paid by student loan defaulters;

(5) the Department of Education, which incurred default costs of $1,600,000,000 in 1988 and is projected to incur costs of $2,000,000,000 in 1990, expects that the Internal Revenue Service tax offset program will continue to be an effective means of recovering defaulted student loans;

(6) the authority for the Internal Revenue Service tax offset program expires on July 1, 1988, and Federal departments such as the Department of Education will be unable to prepare files to be sent to the IRS at the end of the year: and

(7) each Federal department which cannot prepare files before the summer will lose a year of offsets.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Internal Revenue Service tax offset program should be reauthorized as soon as possible so that the Federal Government can continue to collect the anticipated recovery of $400,000,000 resulting from offsets in 1988, and further, that the tax offset program be permanently authorized.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, Mr. President, I would like to announce for the public that an oversight hearing on the strategic petroleum reserve has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Monday, August 8, 1988, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to discuss the status and outlook of the strategic petroleum reserve.

For further information, please contact Jim Bruce, senior counsel for the committee, at (202) 224-5052.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 27, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 27, 1988, to hold a nominations hearing on Francis A. Keating and Edward Dennis.

The PRESIDING OFFICER. Without objection, it is 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 Wednesday, July 26, to resume hearings on the defense acquisition process, SH-216.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, July 27, 1988 to mark up S. 2544, the International Securities Enforcement Cooperation Act of 1988; S. 2073, as revised, the Thrift Charter Enhancement Act of 1988; S. 2283, the Statehood Centennial Commemorative Coin Act of

1989; and the nominations of James B. Coles, to be a member of the Board of Directors of the National Corporation for Housing Partnerships; Richard C. Houseworth, to be a member of the Board of Directors of the Export-Import Bank of the United States; and James G. Stearns, to be a Director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is 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 Wednesday, July 27, and Thursday, July 28, at 9:30 a.m., to hold hearings on Oversight of Department of Defense Safety Programs for Chemical and Biological Warfare Research.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

HOBOKEN'S "AMBASSADORS" BASEBALL TEAM GOES TO THE SOVIET UNION

● Mr. LAUTENBERG. Mr. President, today, United Nations Ambassador Vernon Walters is meeting the Ambassadors, a baseball team from Hoboken, NJ. At the United Nations in New York, Ambassador Walters will wish the team luck as they depart for the Soviet Union to play in a baseball tournament against a Soviet team.

The Ambassadors will be the first American team of high school players to play baseball in the Soviet Union. The team will play games in Moscow, Kiev, and Tiblisi. It will be in the Soviet Union for 3 weeks.

Mr. President, last year the New York Times reported that Soviet officials had claimed that the Soviets invented baseball. But New Jerseyans and others know that the first game was not played in the Soviet Union but in Hoboken, NJ, on June 19, 1846.

To set the Soviets straight, I met with Valery V. Tkachuk, Deputy Chief of the Soviet Committee for Physical Culture and Sport, while I was in the Soviet Union last summer. At my request, Mr. Tkachuk extended an invitation to a team from New Jersey to play baseball against a Soviet team. Shortly after my trip, the Soviets invited the Hoboken team to play in its national trournament.

The Ambassadors are a terrific baseball team, and its record demonstrates just that. Last summer, the baseball team won all local games. It then went on to win the New Jersey and the North Atlantic Championship in its league. Since the team was so successful last season, it traveled to Puerto Rico for a league World Series. There, the team finished 4th out of 10 teams.

Since it was invited to participate in the tournament in the Soviet Union, the team has done a tremendous amount of work. It has raised a considerable amount of money and has made hotel and travel arrangements. In addition, the team has been preparing to play well in the tournament.

Mr. President, I am proud of the Ambassadors' outstanding record, and am certain they will play well in the Soviet Union. I hope my colleagues will join me in wishing the team luck during its games in the Soviet Union.●

A SALUTE TO THE ST. OLAF COLLEGE CHOIR

● Mr. BOSCHWITZ. Mr. President, I am proud today to bring to the attention of my colleagues an outstanding group of young people who will represent the United States at the summer Olympics in Seoul. It is not the athletes I am recognizing at this time, but rather the students who make up Minnesota's own St. Olaf College Choir.

The St. Olaf Choir is one of only five choirs, worldwide, chosen to participate in the Olympic Arts Festival, an important part of the summer Olympic festivities.

This is a tremendous honor and well deserved. The St. Olaf choir has an outstanding reputation and has distinguished itself over 75 years, earning national and international acclaim under each of its three directors: F. Melius Christiansen, founder of the choir; Olaf Christiansen, his son; and Kenneth Jennings, the current director, who has led the choir in performances at the Bergen Music Festival, the People's Republic of China, the Strasbourg Music Festival, and the Vatican.

Minnesotans are proud of this world-class organization, and I take great pleasure in congratulating them and wishing them well in Korea. I know they will bring great credit to Minnesota and our whole Nation.●

CHINA DOCUMENTARY COMMENDED

● Mr. INOUYE. Mr. President, I wish to call to the attention of my colleagues a recent television broadcast that was exceptional in its scope and subject. This was a 1-hour documentary entitled, "Journey Through a Changing China," which was produced and hosted by Miss Yue-Sai Kan, an American of Chinese ancestry. The program aired on June 22 on WUSA-TV in Washington, DC.

The program took viewers on an exciting and colorful journey to the middle of the new China and offered a colorful sampling of the day-to-day lives of the Chinese people, who comprise one-quarter of the world population. I hope that "Journey through a Changing China" will be seen by other audiences throughout our Nation because of its fascinating and revealing study of the social, economic, and cultural changes being brought about by China's version of glasnost.

It may interest my colleagues to know that Miss Kan is probably the best known American in China. Her weekly television program about Western society, "One World," is seen by millions of Chinese viewers. Thanks to her unique relationship with the people and Government of China, Miss Kan opened doors in her documentary to places most of us have only read about. Her charming, insightful, and loving portrait of China gave me a new perspective toward the changes now occurring in that ancient land, especially the influence of modern Western democracy on contemporary Chinese culture.

Miss Kan's program was underwritten by the American Express Co., which deserves our thanks for its support of intercultural understanding. In an age of declining expectations by American television audiences, this exemplary broadcast demonstrates the full potential of television as a medium of entertainment and beauty and, most importantly, as an instrument of peace and understanding between two societies.●

MINISH & POTTS

● Mr. McCONNELL. Mr. President, I rise today to insert into the RECORD an article that appeared yesterday in the Louisville Courier-Journal about Minish & Potts, Inc., a florist, nursery, and landscape company that has served Louisville for over 60 years.

Minish & Potts was founded in 1922 by William F. Potts, Sr., and Richard W. Minish. The company began with an 11-acre site in Crestwood, KY, and shipped gladiolus bulbs and violets to Louisville and the Midwest. During the Depression, retail operations were begun to boost income, and Richard Minish sold his interests in the company to William Potts.

Today, Minish & Potts is owned primarily by five Potts brothers; three female family members, and three third-generation Potts men also worked for the company.

Minish & Potts has done interior landscaping for home and garden shows, shopping malls, horse shows, and the recent Lawn, Garden, and Power Equipment Expo in Louisville. They have also done landscaping for Louisville's Watterson Expressway and River City pedestrian mall and supplied flowers for countless Kentucky Derby parties, Valentine's Day sweethearts, and Kentucky mothers on Mother's Day.

I urge my colleagues to take a moment to read about this admirable, thriving family operation. My appreciation is extended to Minish & Potts, Inc., for serving as a shining example of successful business and management to Louisville and to Kentucky.

The article follows:

FAMILY MAKES MINISH & POTTS A BLOOMING SUCCESS

(By Judith Berzof)

Lawrence Potts calculates that he rides a golf cart more miles than anyone else in Kentucky—strictly for business.

Potts, 72, is the senior member of a large family that owns Minish & Potts, a 66-year-old florist, nursery and landscape company.

During the past week, for example, Potts has spent untold hours in a golf cart at the Kentucky Fair and Exposition Center. It's one of eight small vehicles and trucks his firm used while setting up park and garden areas at the International Lawn, Garden & Power Equipment Expo.

Such floral landscaping and decorating, which the florist does for home shows and businesses as well as trade shows, is called interior-scaping and accounts for 30 percent of Minish & Potts' annual sales.

Retail operations contribute 40 percent; landscaping, 20 percent; and wholesaling, 10 percent. Annual sales range from $1.5 million to $2 million—and have increased each year for the past 10 years.

The Potts family eventually included 11 children; however, not all are involved in the business. Five brothers now mainly share ownership of the company.

Richard W. Minish, always a silent partner, was bought out during the Depression.

Minish & Potts was founded by Potts' father, William F., who ran the Crestwood L&N Railroad station. The elder Potts joined with Minish, who was a cashier at the Crestwood Bank, borrowing $2,200 to establish the business.

The partners invested in gladiolus bulbs and bought 11 acres in Crestwood at the site of the current 23-acre nursery and retail operation.

Potts shipped the gladioluses on consignment by railway express to cities such as Cleveland and Detroit, and the new business thrived. Eventually the new company purchased a second-hand greenhouse and planted only violets in it.

Lawrence Potts recalls picking violets as a child and putting them in bunches of 26 to be shipped to Louisville on the electric cars.

During the Depression, the flowers the company shipped did not bring in enough revenue to pay the shipping costs, so the elder Potts opened a retail store in the Highlands in 1937, at that time the "cream of the residential areas," said Lawrence Potts.

Although since relocated to the Buechel-Hikes Point area, that venture signaled the start of the firm's retail operations in Louisville.

The company opened its branch in St. Matthews in 1950, and had a branch in the Medical Towers South downtown for 19 years before moving to the Humana Building in 1985.

Another brother, John, 67, jokes that he began working in the family operation when he was 2 years old. Now partially retired, John is a past president of the company and is still involved in management of the central office and Humana Building retail store. He also handles Derby activities and does some show work.

About five years ago John Potts helped organize Derby City Pool Delivery, a nonprofit service that has grown to include 15 florists. It led to the creation of another pool when the first became too large.

In addition to Lawrence and John, other family members involved in the company include William F. Jr., 58, president of the firm and manager of the nine Crestwood greenhouses; and Joe, 55, manager of the St. Matthews store and two greenhouses there. Russell, 69, is semiretired, but previously managed the 4012 Bardstown Road store.

A sister, Hazel Trummer, 63, works part-time in the central office; two other female family members—Betty Potts, 57, and Debbie King, 31, work there full time.

Three sons represent the third generation in the business: Michael Potts, 31, who assists in landscape work; Bradley Potts, 27, who runs the St. Matthews garden center; and William F. Potts III, 31, who assists at the Crestwood greenhouses.

Keeping so many family members busy and productive hasn't been easy, but the Potts family has been able to work together well because its members basically respect one another, said John Potts.

"We have company meetings and cuss and discuss," he said.

The company diversity, many locations and separate operations also have given individual members areas of authority.

Minish & Potts has done interior-scaping at the recreational vehicle and mobile home shows for the past 28 years; it has worked for the lawn and garden expo since 1985. Other projects include the large entry garden at the annual home and garden show, the International Arabian Horse and Mid America Truck shows. For about 15 years the firm did the Christmas and spring gardens in the center court of the Oxmoor shopping center.

The firm planted 18,000 nursery plants and trees on the Watterson Expressway after it was built and landscaped the original River City pedestrian mall, which has since been altered for the Toonerville II trolley system.

Valentine's Day is the single busiest day of the year for the floral operations, followed by Mother's Day. And although Derby-related activities have grown over the years, becoming more lavish, Christmas remains the busiest season."

The greenhouses provide 25,000 pot mums annually, 20,000 poinsettias for Christmas and 3,000 Easter lilies. For just one Derby party, the company has forced 150 red rhododendrons into bloom each of the last three years by giving them special treatment in the greenhouses.

The company has weathered all types of growing conditions—including a 1930s drought that Lawrence Potts recalls as being worse than the drought this summer.

"During the Depression we didn't have Louisville water and had to haul water from Anchorage for the greenhouses, starting in the summer and going into the winter using a 1,000-gallon tank truck," he said.

Competitor Ramsey Kraft, owner and manager of Nanz & Kraft Florists Inc., called Minish & Potts "a good florist as far as the quality of the work they do and what they produce. They always care about what they do and that's a good competitor. It keeps you on your toes—you know you had better do it right, too."●

HONORING SGT. JAKE LINDSEY

● Mr. KERRY. Mr. President, on this day, the 35th anniversary of the signing of the Korean armistice, I would like to remember a man who was truly one of the heroes of the Korean war as well as the Second World War. Sgt. Jake W. Lindsey, who just passed away last Monday at the age of 67, will go down in history as one of America's greatest soldiers.

History will remember Sergeant Lindsey for having earned more military honors than almost any other American in the history of this Nation. In fact, Sergeant Lindsey is second only to the late Audie Murphy for having the most decorative military status. Bearer of the Medal of Honor, Silver Star, Bronze Star, Purple Heart, Good Conduct Medal, American Defense Service Medal, American Campaign Medal, European-African-Middle Eastern Campaign Medal with one silver star and three bronze service stars, a World War II Victory Medal, National Defense Service Medal, Korean Service Medal with four bronze service stars, U.N. Service Medal, and the Combat Infantry Badge with one star, Sergeant Lindsey served 4 years in active combat, 3 during World War II, and 1 in Korea. He participated in 13 major campaigns under Generals Patton, Hodge, Eisenhower, and Bradley. He has served in the infantry, basic airborne, jumpmaster, jungle warfare, special forces, mountain and cold weather. His areas of operation span Algeria-French Morocco, Tunisia, Sicily, Normandy, Northern France, Rhineland, and Korea.

Sergeant Lindsey's honors peaked on May 21, 1945, when he received the Medal of Honor by President Truman for his actions in Germany during World War II. That day, Sergeant Lindsey became not only the 100th infantryman to receive the Medal of Honor for bravery above and beyond the call of duty in World War II, but also the only American Army infantryman to be decorated officially before a joint session of the U.S. Congress.

But if history will record Sergeant Lindsey's honors, the American people will remember, with pride and gratitude, his extraordinary bravery and personal patriotism. We will remember Sicily when Sergeant Lindsey and his soldiers, pinned down by German machinegun fire, established their own machinegun position, even though they were completely exposed to the Germans' fire and after several hours of fighting, were able to gain a foothold in the battle from that virtually indefensible position.

We will remember Germany, when Sergeant Lindsey, though wounded, faced a German infantry company backed by five tanks. He killed more than 20 Germans with rifle and gre-

nade fire, knocked out one of the tanks, and then, after depleting his supply of ammunition, took his bayonet and engaged eight Germans in hand-to-hand combat.

We will remember Korea when during one night of fighting, Sergeant Lindsey was left virtually alone in the defense of his position and found himself the next morning among 155 dead North Korean soldiers, 123 killed by rifle and grenade, and the balance of 32 by bayonet.

How does a nation thank one of its sons who so often went over and beyond the call of duty? Upon bestowing Sergeant Lindsey with the Medal of Honor, President Truman noted:

> His inspiring deeds on the battlefield require no further praise from any man. They stand—with the deeds of the others on whom this decoration has been conferred—in the finest tradition of American heroism. * * * They were a flash of nobility which we like to think is part of every American. They were the unselfish valor which can triumph over terrible odds. They were the very essence of victory.

But perhaps no better tribute can be paid to Sgt. Jake W. Lindsey than remembrance of his pure, honest patriotism. At a homecoming celebration in his hometown on May 26, 1945, Sergeant Lindsey himself said it all. He said:

> It was for you that I and my buddies fought and offered to give our lives if need be. * * *

I would like to offer my condolences to his family, his wife Lucille, his daughter Renee, and his son William of Waynesboro, MS, his son Jake, Jr., of Holbrook, MA, and his daughter Gail Darling of Brockton, MA. This day, we, as Members of Congress and as citizens of the Nation for which Sergeant Lindsey fought, share in their loss as well as their pride.●

UNITED STATES-SOVIET HIGH SCHOOL EXCHANGE INITIATIVE

● Mr. BRADLEY. Mr. President, I want to take this opportunity to express my strong support for the United States-Soviet high school exchange initiative that President Reagan and General Secretary Gorbachev announced at the end of their recent Moscow summit.

The initiative calls for an immediate exchange of 100 American and 100 Soviet high school students. By 1991, there will be as many as 1,500 students from each country, hopefully representing at least one school from each State and from many of the Soviet republics. The students will spend a semester studying in high schools, living in dormitories or with families throughout the United States and the Soviet Union.

Since language is essential for a true understanding of a foreign society, the program will have a language requirement for participating students. There are over 500 schools in this country that presently have Russian language courses, and another 300 have the potential to immediately begin teaching Russian. Language instruction will, of course, continue to be stressed during the semester abroad. Cultural events, too, will be an important part of the program and students will be encouraged to take advantage of what their host city has to offer. Additionally, the host school will arrange for at least one extended sightseeing and cultural events trip.

Currently, only three schools have similar exchanges: Phillips Academy in Andover has one with the Physics Mathematics Institute in Novosibirsk; Chaote Rosemary Hall in Wallingford, CT, has one with Moscow School No. 18; and the McDonogh School has one with Odessa Schools No. 119. No public high school in the United States has an exchange program with a Soviet school and without the new initative it is unlikely that one ever will.

The program, which will be administered in this country by the U.S. Information Agency, has already received the support of the American Council of Teachers of Russian and the National Association of Secondary School Principals. USIA hopes that other private sector groups will endorse the program, and it foresees the private sector eventually providing 75 percent of the necessary funding. To begin the program USIA has requested $1 million. I strongly support their request and hope that funds will be provided in the conference for this important effort.

Ignorance breeds fear and fear is destructive. We want our world, and the world of our children, to be a world of peace. It is the time to begin breaking down the barriers that separate our two peoples. Our children must learn to understand their Soviet counterparts, and Soviet children must learn to understand us. There is no better way to learn about a culture, and a people, than to be immersed in it for an extended period of time.

In proposing this initiative President Reagan and General Secretary Gorbachev have shown that they want the children of both the United States and the Soviet Union to live in a world of mutual trust. I heartily support this initiative and I hope that Congress, too, will support it.●

CITATION HONORING THE LONG ISLAND REGION OF THE NATIONAL CONFERENCE OF SYNAGOGUE YOUTH

● Mr. MOYNIHAN. Mr. President, the Long Island Region of the National Conference of Synagogue Youth [NCSY] was twice honored at the just completed NCSY National Convention in South Fallsburg, NY. The region which services over 2,000 Jewish teenagers in Nassau and Suffolk counties was selected as "Region of the Eighties." At the same time, the retiring regional director, Rabbi David Orlofsky and his wife Simi were honored in a moving tribute at the convention's gala award banquet.

I am sure that many Members of the Senate are familiar with the National Conference of Synagogue Youth, the dynamic youth arm of the Union of Orthodox Jewish Congregations. For 35 years the NCSY has been preparing the next generation of American Jewish leaders in some 500 chapters in 33 States and 5 Canadian Provinces.

The Jewish citizens of Nassau and Suffolk counties take considerable pride in the Long Island Region accomplishments. I ask to place in the CONGRESSIONAL RECORD the text of both the "Region of the Eighties" citation and the tribute to Rabbi David and Simi Orlofsky.

The material follows:

REGION OF THE EIGHTIES CITATION

(Presented to Long Island Region at the National Convention of the National Conference of Synagogue Youth)

Picture a vast Jewish community—one of the largest on earth—in which the voice of Torah had simply never been heard in most homes and neighborhoods. This is where tens of thousands of Jews moved in the years after the second World War and discovered a lush suburban setting in which the sabbath was soon forgotten, day schools were not available and orthodox religious practices were only a memory of the distant past in changing neighborhoods long deserted.

Now picture effort after effort to create NCSY and failure after failure—until their entire membership consisted of one stubborn NCSYer and in slightly zany hometown boy coming home to accept a regional directorship no sanner person would have ever considered.

One NCSYer. One director. But what an NCSYer (she only became our National President) and what a Regional Director (he ony became a legend). Chapters started, programs developed. If there was no Orthodox synagogue the Region would simply create one. If there was no tradition they would invent one. If there were no advisors they would borrow them. If there was no money the NCSYers would come up with yet another new way to raise funds.

Their own Israel tours part of our Israel Summer Seminar; Teen Torah Centers throughout the Region; remarkable publications; an entire gerneration of NCSY officers and alumni; who all reflect their beloved Regional Director's rather unique approach to the world—it is the only Region in NCSY in which lunch at a Shabbaton means three hours of new songs about everything from Five Town members to the chapter with the long Indian name that fell off the edge of the earth.

For ten years they have set the tone and done so with such special verve that we acclaim them as Region of the Eighties and call upon Regional President, Scoot Feltman and Regional Director, Rabbi David Orlofsky of our Long Island Region.

SPECIAL TRIBUTE TO RABBI DAVID AND SIMI ORLOFSKY

"Beware, beware his flaming eyes, his floating hair; weave a circle 'round him thrice and stand away in holy dread-for he on honeydew hath fed and drunk the milk of paradise."

He is an NCSY original. A zany pied piper who has worked his magic on both corners of the North American continent and retained a remarkably unique sense of humor in an organization which sometimes forgets how to laugh at itself.

He was a flawless chapter advisor—assembling a regional and national chapter of the year out of the odds and ends of human flotsam and jetsam that happened to be out on parole at any particular time. He so captured everyone's imagination with this feat that he was the logical choice for the Bermuda Triangle of NCSY—an area with the third largest Jewish community in North America which had managed to consume four regional directors and defy three efforts to create a permanent NCSY infrastructure. The region was bankrupt; there was exactly one member on the books; the local synagogues no longer believed NCSY was possible and the local teenagers couldn't care less. So all he did was take the job; create one of the finest regions in all of NCSY; develop innovative Torah programs; change a thousand lives and establish a vibrant, thriving youth group in an area that had been too busy for NCSY, too busy for Torah, too busy for caring.

He did it with devotion and humor; he did it with expertise and dilligence. But something happened. Not only did the NCSYers listen to him—he began to listen to himself. Aided by an exceptional wife and a supportive family he took a year off to learn Torah he kept telling the NCSYers they should be learning. But it wasn't enough. He didn't feel fulfilled—something was missing. He listened and that inner voice which had guided him to NCSY greatness demanded that he have the true courage of his convictions.

And so he is leaving us—leaving to pursue the full time study of Torah. He is leaving us. But his legacy lives on in hundreds of homes where Shabbat and Kashrut thrive because of this magician of the NCSY ethos. His legacy lives whenever a teenager continues on the path he so bravely blazed.

Some people bring Torah to the wilderness. He brought it to the suburbs. Some people convince others to go away to learn Torah. He convinced himself.

With love, affection, awe—and a touch of envy—we bid farewell to Rabbi and Simi Orlofsky.●

YOUNG GEORGIANS FIGHT HOMELESSNESS

● Mr. FOWLER. Mr. President, we would all agree that the issue of homelessness is one which we as a civilized and responsible society cannot ignore. Should this problem remain a national priority during the coming years? Clearly the answer is yes.

We all believe that, in this land of opportunity, there is no reason that any of our citizens should be shut out so completely, or experience such want in a land of plenty. We must work together to end this tragedy on our streets. Congress has addressed this issue with some very effective legislation, but Congress alone cannot end this problem.

That is why I am proud to stand here today and bring to my colleagues' attention a program established by Morrow Senior High School called SPLASH, "Students Promoting Love and Support for the Homeless." These students have seen the problem in their community and are working collectively to address it.

The ultimate goal of this group is to make a difference by involving as many people as possible in the problem of homelessness. I have always believed that the most effective group, no matter what their goal, is an educated group. These students are armed with statistics and have seen first hand the plight of the homeless through their volunteer work. They are taking this information and educating others on the issue of the homeless.

Currently, there are about 25,000 to 35,000 homeless in Georgia, with nearly 10,000 of these in Atlanta. Ninety-five percent of the homeless are between the ages of 17 and 59. Sixty-three percent are black and 75 percent are male. Forty percent are high school graduates and 23 percent have been homeless before. Another statistic which I think warrants mention is the fact that 61 percent of the homeless in Atlanta work at least part time.

The most troublesome of all statistics is the fact that the fastest growing single group of homeless people is children under 6 years of age. These children are our Nation's future. They must, at too early an age, contend with inadequate medical treatment, poor nutrition, and a lack of structure and predictability in their environment. I think we would all agree that this survivalist lifestyle does not prepare our children to face the complex issues of today much less those in the future.

On the other hand, I am proud to see that in my home state we have young Georgians helping other young Georgians. SPLASH is an excellent model for other students to follow. I would urge other groups to follow in their footsteps to alleviate this tragedy in our society. This program has provided a positive experience for the students and their community and has bettered the lives of that often neglected segment of our society—the homeless.●

IN MEMORY OF JOHN ROSE

● Mr. DURENBERGER. Mr. President, I rise today to pay tribute to an outstanding Minnesotan. John Rose, who passed away last week, was not only a dear friend of mine, but a friend of Minnesota and its environment. In his passing Minnesota loses one of its very best public servants.

As a six-term member of the Minnesota House of Representatives and chairman of the House Environment and Natural Resources Committee from 1984 to 1986, John leaves a legacy that not only his children Kathy, Julie, Dan, and Keith will enjoy but their children and grandchildren as well. It was his leadership that created and passed into law the Reinvest in Minnesota Program, landmark legislation in land stewardship and conservation. For his work to protect the environment the North Star Chapter of the Sierra Club named him environmentalist of the year in 1985.

As a person, John was always there to help and, for me served as a sage of political wisdom. His thoughtful views and invaluable ability to work closely with people across the political spectrum were instrumental in the achievement of the higher good for the people of Minnesota.

In sum, John Rose was a man of kindness, humility, and selflessness. He had a vision that helped all who knew him see the potential for a better world and pursue it. For this, I will deeply miss him.●

ETHANOL FOR CLEANER AIR

● Mr. SIMON. Mr. President, the ripple effects of the 1988 drought are spreading across our land. In Illinois, rising corn prices are putting the squeeze on the ethanol industry. In a recent column I wrote for newspapers in my State, I outlined why it is important to keep that industry vital and viable. I ask to have it reprinted in the RECORD.

The article follows:

ETHANOL FOR CLEANER AIR

(By U.S. Senator Paul Simon)

Henry P. Slane of the Peoria Journal Star makes this interesting observation:

"Take a sealed room with a hundred people in it, let 25 percent smoke cigarettes, cigars or pipes. At the end of an hour the air will be pretty foul, I admit, but put one good old gasoline guzzler in the same area, and local funeral homes will be mighty busy . . .

"Engineers have been able to modify carburetors to burn ethanol for years. Farmers can supply the basic ingredients, and we don't have to send a fleet of ships half around the world to see our dollars leave this country, have our men killed and cost the taxpayers billions.

"Some fuels are partially mixed with ethanol now. During World War II, more than 40 years ago during gasoline rationing, ethanol was used in higher percentage then. Why not now?

"Keep the air cleaner, our dollars at home and still be able to ride the latest model car in style."

What Henry Slane suggests makes sense. Right now a little more than 7 percent of the gasoline sold for automobiles is 10 percent ethanol, largely a product of corn.

The drought, however, is having an adverse impact on our fledgling ethanol industry and we need to look at ways to minimize

that negative effect. One drought-related proposal would make government grain stocks available to domestic ethanol producers at reduced prices.

The hot, dry weather has pushed the price of corn up dramatically. That, in turn, has driven up the cost of producing ethanol, which could, in the long run, discourage ethanol use.

In a very round-about way, ethanol may be able to help blunt future droughts. There is growing concern that recent swings in extreme weather patterns, like our hot, dry summer, may be influenced by increased global air pollution—the so-called Greenhouse Effect. Scientists argue that excess carbon oxides being pumped into the atmosphere are at least partly caused by automobile emissions.

I have a bill in the Senate, and Illinois Congressmen Dick Durbin and Ed Madigan have a bill in the House, to gradually increase the use of gasoline sold with ethanol. In five years it would require that 50 percent of all gasoline sold would be 10 percent ethanol.

It would help our corn farmers, reduce subsidies for agriculture by several billion dollars, and make our air cleaner.

Then why don't we do it?

There are two problems.

The first is a perception problem. Many people believe that ethanol in gasoline causes engine problems. The reality is that all new car manuals indicate clearly there is no problem. On some older cars there may be temporarily, because the cleaner product will clean up carburetors and adjustments may need to be made.

But it is interesting that in the Indianapolis 500, every car in the race used ethanol. And they weren't doing it to clean the air!

The second problem is more serious. The big oil companies don't want us to shift over to ethanol, so they are fighting it, for obvious reasons.

In Colorado today, all gasoline sold has to be either 10 percent ethanol or methanol, a product that has some different problems. Colorado is not doing this because they want to help Illinois corn farmers. They are doing it because they want to clean up the air in Denver.

Yes, we can do better, much better.

And I hope we have the good sense to start moving in that direction. Almost everyone will benefit.●

THE SUPERCONDUCTING SUPER COLLIDER: A NATIONAL IMPERATIVE

● Mr. DECONCINI. Mr. President, last year President Reagan endorsed as a Presidential priority the superconducting super collider [SSC], observing that "in the face of ever-increasing global competition, the United States must maintain the leading edge in science and technology." Granted, completing the SSC will require a substantial investment. However, given the importance of the super collider to the future of American scientific research, education, technology, and international competitiveness, the costs of abandoning the project would clearly be far greater.

The potential value of the SSC to basic scientific research is inestimable. In fact, Harvard physicist Dr. Roy Schwitters calls it "essential that the United States build the collider if this country is to retain world leadership in scientific research." By enabling scientists to investigate the basic building blocks of matter and the forces guiding their subatomic interactions, the SSC will illuminate previously hidden realms of nature. In addition, by simulating the conditions that existed one-millionth of a second after the big bang, the super conductor will help cosmologists move closer to explaining the origins of the universe. Still, as Arizona State University's physics chair, Dr. Richard Jacob observes, "more important are the surprises: the discoveries we don't expect and cannot predict, but which assuredly will happen and which just as surely will have profound effects on our understanding of this universe and on our descendents' way of life." In the words of University of Chicago physicist, Dr. David Schramm, "we're at a great threshold in physics and need the SSC to cross it."

Due to its large scale and focus on fundamental questions, the SSC has the dramatic appeal necessary to inspire young people and help revitalize the U.S. educational system. As Dr. Wesley Posvar, president of the University of Pittsburgh, observes, "the supercollider can become a flagship for a whole new generation of scientific education in America * * *. It will not only produce scientific benefits, but will attract a generation of young people into our laboratories, in physics and other sciences." The SSC will also promote increased scientific literacy in the general public.

American industry and technology will also benefit immeasurably from construction of the SSC. Throughout history, research in the field of high energy physics has led to innovative practical applications in electronics, nuclear medicine, cryogenics, computer systems, energy, materials science, mathematics, and a myriad of other fields. In fact, as Professor Jacob argues, knowledge of the subatomic realm "is responsible for most of the material quality in our lives these days." A statement signed by the Chairs of 226 college and university physics departments acknowledges this synergism and predicts that the SSC will be a catalyst for technological progress: "high energy physics has always driven technology and will, through the SSC, continue to do so, with unmeasured benefits to everyone's quality of life and economic well-being." Nobel Laureate Glenn Seaborg agrees: "The vast majority of money expended in building such a product is cycled back into the economy, and the support industries not only aid the economy but also motivate new developments in practical applications of sciences."

Mr. President, America is losing its lead in elementary particle physics as Europe, Japan, and the Soviet Union construct superior accelerators. When the GERN accelerator in Geneva and the HERA accelerator at Hamburg become operational in 1989, experts like Dr. Schwitters anticipate a dangerous exodus of talented scientists from the United States. This "brain drain," similar to that which has plagued Britain during the past two decades, could be exacerbated by the Soviet UNK accelerator, scheduled for completion in the mid-1990's. Nobel Laureate, Dr. Steven Weinberg has commented on this threat:

> If we don't proceed with the SSC . . . in ten years, when the largest American accelerators have passed their prime, the brightest young American physicists will all be getting on planes and . . . living in Switzerland, Japan, or the Soviet Union where they can do the kind of fundamental physics that they need to do. And that won't be good . . . for our society—to lose that cadre of brilliant young men and women . . . we cannot be a center of the scientific excitement without facilities that allow the work at the frontier of science to go on in this country.

Dr. Posvar agrees: "Basic research is still our prime advantage in the world economy, and if we're to maintain our lead in this cooperative, new, interdependent world, the United States should be the site for [The SSC]."

The SSC will also have symbolic value, representing America's determination to remain internationally competitive. As the letter from the physics Chairs observes, "proceeding to build the SSC will be a clear signal to all that the United States is not about to relegate to others its position as an international leader in pure and applied science."

Obviously, the case for the super collider is overwhelming; it must be built in this country, and it must be built as soon as possible.

I think it is equally clear that the SSC belongs in my State of Arizona.

Although the seven States on the DOE best qualified list are equal in many respects, five special endowments make Arizona the best of all possible sites for the supercollider.

A smooth and rapid transfer to DOE jurisdiction of all lands required for construction and operation of the SSC is guaranteed by four factors:

Of the greater than 16,000 acres of land to be donated without cost to the Department of Energy for construction and operation of the SSC at the Arizona Maricopa site, nearly 70 percent is already Government-owned.

It is extremely unlikely ownership transfers will be delayed by legal proceedings as only five relocations will be required.

The purchase of private lands from the fewer than 150 owners will be expeditiously negotiated at no cost to the Federal Government.

The Maricopa site is situated in an undeveloped region of the Sonoran

Desert, but is only 35 miles southwest of Phoenix. It is readily accessible to Sky Harbor International Airport, major nearby universities, superior cultural and recreational facilities, and affordable housing.

Five components make the Arizona SSC site ideal for rapid and safe construction of the SSC ring and injector complex:

It is dry. The entire ring path at the Arizona SSC site lies in unsaturated materials well above the ground water table, making the occurrence of water inflows, underground gases, or collapsing soils highly improbable.

It is shallow. Experimental chambers will be 100 feet deep on average, and the injector complex, which will be excavated from the surface, will be 65 feet deep.

It is simple and predictable. The principal substructural material is fanglomerate, a cemented alluvium, permitting either tunnel machine boring methods or cut-and-fill excavations for rapid and safe tunnel construction.

It is stable. Experience in the mining industry and on other tunneling projects in the State of Arizona show the substructural Earth materials to be exceptionally stable, a stability accentuated by the absence of damaging Earth tremors.

The climate is favorable year round. Few, if any, construction days will be lost due to smog, winter, and other climate-related problems.

Reliable geotechnical data and a reputation for excellence on grandscale projects predict that regional construction firms can build the SSC faster for less money at the Maricopa site.

Survey data taken at the site by project geologists, hydrologists, seismologists, and construction engineers indicate that the geotechnical conditions are well known.

The ability of Arizona construction firms to undertake grandscale projects is demonstrated by the Palo Verde Nuclear Generating Station, the Papago Freeway Drainage Tunnels, and the Central Arizona project. Those projects, together with the long-standing excellence of the mining industry in the State, create a store of geotechnical expertise and a pool of skilled labor.

A cost-and-schedule model based on data specific to the Maricopa site predicts a 22-percent savings over the lowest DOE estimate and predicts a reduction of construction time by 2 years.

The Super Collider Site Evaluation Committee praised the Maricopa proposal as "particularly strong in its response to the environmental criterion of the Invitation for Site Proposals." The Arizona site offers a unique opportunity to enhance on-site environmental quality.

Opposition to the SSC in Arizona on environmental grounds is nonexistent, and the Sierra Club and Arizona Wilderness Coalition have commented favorably on the construction of the SSC at the Maricopa site.

There are no natural wetlands on the Arizona site, no naturally occurring permanent surface waters, no prime farmlands, no forests, and no threatened or endangered planet or animal species.

Because areas in the collider ring path requiring cut-and-fill construction have already been disturbed by cattle grazing and vehicle travel, the Maricopa proposal will actually improve the environment through a vigorous program of salvaging and replanting desert vegetation.

Plans are being prepared to create riparian and wetlands habitats with SSC tail water, to restore native plants along the ring path, and to replace topsoils and reseed in the campus areas following SSC construction.

Construction of the SSC at Maricopa will have the effect of protecting the ecological integrity of two prime examples of Sonoran Desert that lie inside the ring.

The Arizona SSC site also offers a distinct regional advantage as part of the traditionally pioneering American West.

Arizona will depend on its Western neighbors for the magnets, detecting equipment, cryogenic technologies, and sophisticated computer systems required to bring the SSC into operation and to maintain it. Thus, part of every dollar allocated to the SSC will be spent to purchase the industrial and technical resources of Arizona's western neighbors, spurring further development in SSC-related industries.

While astronomical scientists at such Western research centers as Kitt Peak National Observatory, the Palomar Observatory, the large array of radio telescopes in Socorro, NM, and the three new University of Arizona telescopes at Mount Graham, scientists and technicians from all over the world will gather at the Arizona Super Collider to explore the cosmos by probing the depths of the atom.

Like the Los Alamos National Laboratory and Silicon Valley, the Arizona Super Collider will create a sphere of influence throughout the Western United States, drawing scientists and technicians from around the world and nurturing the 12 Western regional class I research universities.

In the 1950's and 1960's, the American Space Program responded effectively to the foreign challenge embodied by Sputnik. Now, we are faced with a comparable threat. Unless this Nation has the foresight to move forward with the Super Collider, we can be sure someone else will; and our technological edge in high energy physics and related sciences will be lost.

Mr. President, the Super Collider is a national scientific imperative. It permits the United States to assert leadership in an area where America has traditionally been in the forefront and needs to remain ahead. I am proud that my State of Arizona is a finalist in the competition to host this worthy project. The Super Collider should be defended no matter where it is built, but I am confident that Arizona remains the single best site for its construction.●

CONTINUED BUY AMERICA ENFORCEMENT PROBLEMS

● Mr. HEINZ. Mr. President, today I would like to bring to the attention of the Senate a statement by the Railway Progress Institute Committee on Passenger Transportation. This statement was delivered at a hearing before the House Public Works Subcommittee on Investigations and Oversight on May 12 of this year. At the hearing, Mr. Larry Salci, president of Bombardier Corp., expressed his appreciation to the Congress for writing Buy America requirements into law.

Buy America legislation, however, was not the primary topic of discussion. At the hearing, Mr. Salci and Mr. Richard Griffin, director of government relations for General Signal Corp., expressed their deep concern that the Urban Mass Transportation Administration [UMTA], has been negligent and inconsistent in its interpretation and application of the Buy America regulations. In addition, they argued that enforcement procedures have been inadequate, and that regional offices, States, and/or grantees have not interpreted the regulations faithfully or accurately.

Mr. President, the Senate should be familiar with the problems and deficiencies surrounding Buy America legislation, given the number of times we have debated it over the years. Without question, enforcement of such legislation has always been a problem, and its record of achieving its objectives is distinctly mixed. It was originally conceived to help reduce the competitive imbalance between the American producers of transit systems and their European and Japanese competitors, but in the years since its enactment, all of the United States companies building cars have gone out of business, four in the last decade.

Our failure to preserve a domestic manufacturing capability for transit cars does not mean that the concept of Buy America has been a complete failure. Rather, the failure has been one of implementation. The transit operators who must comply with Buy America have little incentive to do so since there is no protected domestic market,

nor is there an underlying social compact between supplier and operator which holds the maintenance of jobs and industrial capacity to be a national objective. In the United States, transit systems are operated by governmental or quasi-governmental entities which use tax generated or tax sheltered funds to underwrite their costs. Transit operators are understandably primarily interested in getting the most for their money, and are less concerned about the adverse effect on U.S. jobs that occurs when a foreign manufacturer obtains an order.

Most upsetting, however, is the fact that American transit operators willingly accept subsidized foreign bids, offered at less than cost, and pay for them with Federal funds. Domestic railcar builders cannot cope with the incursion of foreign competitors who have the unfair advantage of both government assistance and heavily protected home markets. This, of course, is not the only sector where this has happened, as I have often taken this floor to explain, but it is one of critical importance, not only for American jobs but for our industrial base. That is why Congress has assigned UMTA the role of strictly enforcing penalties against those who ignore or seek to circumvent the law that encourages domestic procurement.

The problem of enforcement of Buy America legislation is further exacerbated when UMTA takes a passive stance toward investigation of violations. Investigations seem to be undertaken only when an interested party has developed enough information to determine the probability of a violation. Due in large part to the difficulty of obtaining data about one's competitors, only one such has been requested. Most of the industry, and apparently UMTA, has been content to accept certificates of compliance at face value.

A prime example of lack of adequate enforcement is a case involving the Rapid Transit District of Sacramento, CA, and Siemens Energy & Automation, Inc. The Sacramento Transit Agency contracted for 26 light rail vehicles with Siemens on the basis of a Siemens' bid that committed them to comply with the Buy America provisions. Subsequently, under some pressure from other industry sources, UMTA investigated the project and found that Siemens was in substantial violation of its commitment and the law. On March 3, 1986, UMTA notified the city that it was in noncompliance. By this point, unfortunately, more than half the cars had already been built.

How did UMTA extricate itself from this situation? In brief, UMTA waived Buy America requirements for the first 15 rail cars delivered. For the remaining 11, it agreed to Siemens' compliance proposal, even though some had raised questions about it. This is hardly an example of tough, aggressive enforcment that will encourage other foreign manufacturers to take their commitments seriously and comply with the law.

Mr. President, Congress has tried to address these problems by continually writing legislation with stronger enforcement language. Most recently, on April 2, 1987, Congress passed the Surface Transportation and Uniform Relocation Assistance Act, Public Law 100-17, which further strengthened the Buy America provisions. Now it appears that these changes are being circumvented like their predecessors.

A particular problem is that as of this week, 15 months after the act became law, UMTA has yet to issue new Buy America regulations. They apparently are trapped somewhere in the Office of Management and Budget. This delay has once again retarded enforcement of this law and eroded public confidence in our Government's commitment to the principle of Buy America.

With the potential market in this country estimated at $2.5 billion over the next 5 years, it is obvious that our failure to enforce our laws is more than just a debating point. There are clear economic consequences. Procurement at that level would have the effect, including secondary and tertiary purchases, of creating 106,500 jobs. Congress has already repeatedly urged UMTA to establish an active, rather than a passive, enforcement profile, and it is past time for UMTA to meet that standard.

Mr. President, I ask that Mr. Salci's and Mr. Griffin's statements before the House Subcommittee on Investigations and Oversight be printed at this point in the RECORD.

The statement follows:

STATEMENT OF THE RAILWAY PROGRESS INSTITUTE COMMITTEE ON PASSENGER TRANSPORTATION

(Remarks of Larry E. Salci, president, Bombardier Corp.; president, Pullman Technology, Inc.—a wholly owned subsidiary of Bombardier Corp.—Washington, DC)

The Committee on Passenger Transportation of the Railway Progress Institute, which is the international trade association of suppliers to rail transportation systems, is pleased to submit the following information for the record as a supplement to abbreviated verbal statements.

We are grateful to the United States Congress for having written the Buy America requirement into law, and then strengthening it. And we appreciate very much this opportunity to contribute our first-hand knowledge to this committee's oversight hearing on how the Urban Mass Transportation Administration (UMTA) has followed the wishes of Congress.

Your committee has asked us, "Has UMTA been consistent in its interpretation and application of the Buy America regulations?" No, it has not.

You asked us. "Have enforcement procedures been sufficient to ensure that the Buy America rules are being met?" No, they have not.

Your third question was, "Have the regional offices, states, and/or grantees interpreted the regulations consistently and accurately?" No, they have not.

WHY DO YOU NEED BUY AMERICA?

In adopting the Buy America language in the Surface Transportation Act of 1978, Congress has two main objectives: To maintain U.S. jobs, and to conserve the U.S. capability to manufacture transit equipment. At that time, it was felt that Buy America would help reduce the competitive imbalance between the American supply industry and their European and Japanese competitors.

In the intervening decade since the law's passage, the effect of these provisions has been mixed. In the positive sense, they have maintained by encouraging foreign manufacturers to obtain a large percentage of their components and subsystems from U.S. companies, and they have brought about the establishment of final assembly shops. On the downside, however, the U.S. railcar building industry as it existed 10 years ago has been virtually wiped out. In 1978, there were four domestic manufacturers of rail passenger cars: Boeing-Vertol, The Budd Company, General Electric, and Pullman-Standard. They were the then-survivors in a tough marketplace: Pressed Steel Car Company and J.G. Brill pulled out of the field in 1941, Bethlehem Steel dropped out in the 1940s, American Car & Foundry in the 1950s, St. Louis Car Company, in the early 1970s, and, about the middle of the 1970s, Boeing and Rohn dropped out.

Of those four domestic companies still surviving in 1978, none are in the business of building complete rail cars today.

When looking at this dismal record, one is forced to ask why the industry failed. Attached is an exhibit that sets forth in some detail four domestic practices that exacerbated the domestic railcar building companies' problems with their subsidized foreign competition. In summary, these were one-sided contractual terms and conditions, a lack of standardization in railcars, labor problems compounded by much new federal legislation, and increased management problems.

However, the overriding factor that made it impossible for domestic railcar builders to cope was the incursion of a series of foreign competitiors, each of whom demonstrated an eagerness to grasp a segment of the American market. With each successive order, a new competitor from a different country appeared. From their protected domestic markets, they would offer bids at less than cost with two goals in mind: Gain an inroad into the U.S. market and maintain their labor and manufacturing base at home.

Here we see clearly a basic difference between the U.S. and European/Japanese economic and political systems. The overseas manufacturers want to maintain jobs and keep factories in operation. They have commitments from their central governments to help them do this. This was not true for our domestic companies. Generally speaking, the foreign governments function as partners to their railcar and subsystem manufacturers by providing research, design, development and sales support, in addition to financing. The offshore manufacturers have the freedom to form consortia (which we have not had until very recently), and to jointly agree when to bid or not to bid, to

designate among themselves the lowest price bidder from their country, and to engage in activities which would be subject to anti-trust challenges if U.S. firms were to behave similarly. Through mechanisms such as the value added tax they have significant tax advantages on export sales. They don't have to comply with such costly measures as OSHA EPA and/or DBE requirements. Sometimes the manufacturing entities are owned by their governments. And, as has been mentioned, the manufacturers are protected at home from foreign competition.

Does this lack of success indicate that the concept behind Buy America is wrong? No. The failure is one of implementation and not, in our opinion, a failed or flawed concept. And don't listen to those who call for free trade in this sector. They just don't know what they're talking about: This is Not a free market. Worldwide, it is dependent on government funds for capital and operating support. The customer is a government entity. With the exception of the United States, most of the suppliers are directly or indirectly owned or subsidized by their governments. The only way to level the playing field in *this* arena is through government action.

CONGRESS'S INTENT WAS NOT CARRIED OUT

(Remarks of Richard Griffin, Director, Government Relations, General Signal Corp.—Washington, DC)

Why hasn't Buy America worked?

Congress enacted Buy America because it viewed the domestic economy from a national viewpoint. It recognized the need to rectify an inequitable situation that was wiping out jobs and eroding away part of the U.S. industrial base. Unfortunately, the intent of Congress in this matter was just not carried out over the years. Recognizing this, Congress was forced to write the law again and again, each time in an attempt to strengthen its effectiveness. Why then didn't it work as intended?

One reason is that those charged with the primary responsibility for enforcing Buy America, the transit operators, had little incentive to do so. As was pointed out earlier, the European and Japanese systems foster a close, mutually supportive relationship between the various public and private sector entities within their respective countries. All share the twin goals of maintaining jobs and manufacturing capabilities, especially in those sectors of their economies that have a broad national impact: education, defense, communications and, of course, transportation.

The situation here in the United States is quite different, even though there appear to be surface similarities. Here as abroad, quasi-governmental entities using tax generated, or tax sheltered funds to underwrite their capital costs and a portion of their operating costs. However, here in the U.S., there is no cozy relationship between operator and supplier, there is no protected domestic market, nor is there an underlying (stated or unstated) social compact that makes the maintenance of jobs and industrial capacity a primary national objective.

In fact, national objectives such as Buy America are far removed from the concerns of those charged with operating transit systems. They are primarily interested in getting the biggest immediate bang for their always-limited bucks, and they don't care about the impact on U.S. jobs which occurs when a foreign transit manufacturer obtains a U.S. order.

These local authorities are deluding themselves if they think they are creating jobs by requiring local assembly, as many have recently. A foreign manufacturer can fulfill the letter of the Buy America requirement by creating a small shop that exists purely for final assembly of railcars for a particular order. While the letter of the law is observed, the spirit is violated because such here today-gone tomorrow shops don't create or help sustain an ongoing carbuilding capability in this country. Incidentally, short term savings from purchasing from foreign manufacturers can turn into long term maintenance nightmares due to dependence upon foreign sources: where the nearest source of spare parts is dependent upon the vagaries of transoceanic shipment, customs clearance, and foreign manufacturers whose priorities are much closer to home.

The buyers of transit rail cars are members of the American Public Transit Association (APTA). Why isn't APTA testifying before the Committee on this issue? APTA maintains an active interest in federal funding matters, and has workshops or internal committee efforts aimed at educating its membership about such federal concerns as Section 13C labor protection, minority business, and the handicapped. However, I know of no ongoing effort to educate their members about Buy America. Why not? Is it because the transit properties don't care? Or is it because, in search of a "cheaper" product, they would rather give lip service to compliance.

A second reason for Buy America's lack of effectiveness is that UMTA has too small a staff to "police" the properties to uncover violations of Buy America. UMTA must rely on the transit properties' certifications that they have complied. Consequently, Buy America investigations have been undertaken only when an interested party, usually an American company, has developed enough information to determine the probability of a violation. Needless to say, it is very difficult to obtain data about one's competitors. Only one transit property has ever requested an investigation. Most of the transit properties have been content to accept certificates of compliance at face value, and have bought foreign products in increasing quantities. And as we have seen, the U.S. car producers have succumbed, with only the sub-suppliers managing to survive, thanks in large part to Buy America.

Curiously enough, the foreign manufacturers, perhaps because in their own countries such requirements are religiously adhered to and enforced, seemed initially to have treated the Buy America requirements more seriously than did the transit properties, and sought out American sub-suppliers. However, with the properties paying lip service to Buy America regulations, and UMTA not aggressively ensuring that Buy America was adhered to, it became just a matter of time before Buy America came to be regarded as something which could be ignored, or avoided.

This all came to light when UMTA's Project Management Oversight Contractor relayed news of the blatant disregard of Buy America by the Rapid Transit District of Sacramento, California, and Siemens Energy and Automation, Inc. UMTA had to act and an investigation was carried out.

The facts are these:

The Sacramento agency contracted for 26 light rail vehicles with Siemens and then asked UMTA to waive Buy America's requirements. UMTA refused. It did nothing further until, several years later, it was pressured into conducting a full-scale investigation.

The investigation by UMTA found that Siemens was in substantial violation of Buy America. It was determined that, rather than meeting the statutory requirement that the vehicle be manufactured of more than 50 percent U.S. content by cost, actual domestic content was 10 to 15 percent.

On March 3, 1986, UMTA's Chief Counsel notified the city that they were in non-compliance. At that time, Siemens had completed 15 of the 26 cars contracted for. What is unusual in this case is that this determination was made three years after UMTA's original contract with Sacramento, and two years after UMTA had rejected a request for a waiver from Buy America. For two years, Sacramento knew that Buy America compliance was an issue, and yet it allowed Siemens to proceed.

How did Sacramento and UMTA extricate themselves from this situation?

In brief, UMTA's Administrator exercised his discretion and waived Buy America requirements for the first 15 railcars delivered. For the remaining 11, he agreed to Siemens' compliance proposal, even though some would say that their compliance is questionable—at least under the spirit of Buy America.

This case clearly demonstrates a number of flaws in the Buy America compliance system. Regardless of the specifics:

(1) There is no automatic system to trigger a Buy America investigation.

(2) UMTA and Sacramento were lax in their enforcement of Buy America. Presumably other transit agencies are equally lax.

The only penalty, debarment, is so severe that UMTA is loath to use it.

What has happened in the meantime to improve the situation? A number of things, but not enough.

Most important was passage of the Surface Transportation and Uniform Relocation Assistance Act of 1987, which rectified many of the problems identified. Yet, UMTA has yet to issue new Buy America regulations in the year since enactment.

Are the transit agencies more in compliance? Porbably not. I would venture to guess that if one were to do a spot check of the RFPs issued by the transit properties over the past twelve months, only a minority would reflect the new Buy American requirements.

To sum up, when one looks at past and recent performance, compliance with Buy America is, at the very least, inadequate.

IMPROVED ENFORCEMENT

Buy America, with a few strengthening provisions and with vigorous enforcement by UMTA and the transit agencies, can lead to a resurgence of domestic rail carbuilders and component suppliers.

Attached is a copy of a report in the January 1988, issue of Railway Age entitled "Passenger Car Market at a Glance." This forecasts orders from 20 American operating systems for approximately 1,390 to 1,500 new passenger cars.

In addition to those 20 systems that told *Railway Age* of their purchasing plans, there are 13 metropolitan areas where rail transit is at various stages of consideration or development. They are Austin, Dallas, and Houston, all in Texas; Columbus and Cincinnati in Ohio; Denver; Honolulu; Kansas City; Long Beach and Los Angeles in California; Minneapolis-St. Paul; Phoenix,

and St. Louis. There are another 12 cities with existing and expanding rail passenger systems—Atlanta, Cleveland, Detroit, Ft. Worth, Miami, New Orleans, Philadelphia, Pittsburgh, Portland, San Jose, Seattle, and Washington, D.C. Also not included in the *Railway Age* table are the new Viewliners that Amtrak will order when and if its funding can be worked out.

All of this leads us to believe that the potential market within the next five years is something like $2.5 billion.

How are we to understand the importance of $2.5 billion in expenditures for rail passenger cars to our economy? We apply multipliers, which are the subject of another exhibit attached to this statement.

We assert that if all $2.5 billion is spent within the U.S., we believe it will have an overall effect, through secondary and tertiary purchases of approximately $6.5 billion. We estimate the $2.5 billion, all spent in this country, would result in a year's employment for 106,500 persons.

What can Congress do to see the positive impact of this market accrues to Americans?

One way is to strengthen Buy America.

ENFORCEMENT

First, the new Buy America legislation has provisions which require that subcomponents be as strictly examined as components for American content. The goal is to thwart the situation whereby "American components" can be created from 100 percent foreign subassemblies, by putting them together into a final product at a U.S. location. Despite the positive legislative stance, the dismal record of compliance to date will require close Congressional oversight of these provisions. The UMTA regulations (when they are issued), the compliance system they establish, and the response of the major transit authorities should be scrutinized.

Second, Congress adopted a requirement for pre-award and post-delivery audits of procurements subject to Buy America. Just who will conduct these audits—UMTA, the transit properties, or a third party—has not been determined. Whoever does it, these audits must be undertaken effectively, in an unbiased fashion. We urge Congress to query UMTA on this point and follow up by reviewing closely their proposed procedures.

Third, we strongly urge Congress to ask UMTA to establish an active, rather than a passive, posture for verifying compliance with its own regulations. Simply waiting for an aggrieved party to complain is not enough. UMTA should make spot checks of the transit properties' compliance and, in particular, should closely monitor all railcar, and all rail transit equipment procurements over $10-million to ensure Buy America compliance.

NEW LEGISLATION

In terms of a legislative agenda, we recommend that an enforceable schedule of penalties for non-compliance be developed, and enacted into law. The current legislation calls only for the Draconian measure of debarment from all federal procurements. This penalty is so severe that one would hesitate to enforce it in most cases. Thus we would recommend both a graduated series of penalties and a clear legislative requirement that the penalties be meted out when non-compliance is identified.

An example of an "intermediate" penalty might be a fine of 25 percent of the total value of the contract. This 25 percent equals the 25 percent cost differential referred by in the Surface Transportation Act to establish an automatic Buy America waiver. If it is determined that the product is not as claimed in the certification, the supplier should be forced to pay the 25 percent differential to both UMTA and the property in the same ratio as the original local/Federal support.

Alternatively, a company found non-compliant could be precluded from participating in any UMTA-funded program for a period of five years. This seems more realistic, and more enforceable, than a U.S. government-wide prohibition for a first-time offense. Of course, if continued non-compliance, or criminal malfeasance were detected, suitable penalties could and should be established, including U.S. government-wide debarment. Further, the transit agency should be penalized if it can be shown that it willfully encouraged, or participated in non-compliant activities. In short, Congress should establish a range of appropriate and enforceable penalties and then enact these into law.

Second, Congress should investigate the possibility of modifying the UMTA authorizing legislation to preclude a transit property from "segmenting" its funds, thereby avoiding compliance with all federal requirements. Currently, such segmentation is perfectly legal. By this we mean the procedure by which a city or transit authority separates contracts which utilize federal funds from those which it determines utilize solely state or locally generated funds. Thus a city building a rail system extension can buy railcars using state and local funds, and build tracks and stations using a combination of UMTA and non-federal funds, despite the fact the system could not be built without federal funds. Further, under current law, such a car procurement does not have to comply with the provisions of MBE, DBE, Buy America or any other federal requirements. While a transit authority may call for voluntary compliance in such instances (and some have done so), we feel that the Congress should evaluate whether or not the entire operation of a transit agency should be subject to Buy America.

We have attempted to explain, from the perspective of the rail transit industry, the limited sources of Buy America over the past decade. We have pointed out its dismal failure in safeguarding the railcar manufacturing industry and a limited success in that portion of the industry devoted to components and sub-components. We have described why neither UMTA nor the transit agencies have had any real incentive to vigorously enforce Buy America, and never will unless Congress makes its concerns known and felt. Finally, we have made several administrative and regulatory suggestions which should work to improve compliance. The bottom line, however, lies with you in Congress. You have recognized the need for Buy America. We look for you to ensure that it works.

DOMESTIC PRACTICES AFFECTING U.S. PASSENGER RAILCAR MANUFACTURERS

Outside the scope of Buy America, we can isolate four *domestic* factors that crippled this U.S. industry.

First, American car builders were faced with contracts riddled with one-sided contractual terms and conditions. It seemed as if the consultants hired by the transit agencies vied with one another to see if they could develop more rigorous technical and financial conditions in each successive order. Contrary to the stated expectation, these terms did not produce better equipment, on a more timely basis, at a cheaper cost. The single clear result was to help drive the Americans out of the business or into bankruptcy. Only the foreigners seemed willing to agree to the terms, knowing that their own domestic markets would keep them afloat. And in the case of Atlanta's procurement, a French company was driven into reorganization. But another foreigner always appeared willing to step up to the plate.

Second, there was a lack of standardization. Each city demanded different cars and continued demanding different versions on successive orders, forcing the redesign of both cars and subsystems. New technologies were not introduced on an incremental basis; rather a complete "new" car was the normal procurement. This demand for a "new" product precluded economies of scale, increased engineering costs, and magnified technical risks, thereby destroying any advantage a U.S. manufacturer might achieve from selling a standardized product.

Third, the industry was plagued with labor problems. Saddled with antiquated labor relationships, and new Federal safety, minority hiring, and other government requirements, U.S. manufacturers faced massive resistance to more productive working methodologies. American car builders had to compete at a cost disadvantage. Ultimately, they had to leave the business. Transit America, which closed its doors last summer, is the latest case in point.

Fourth, management problems increased as the product became more complex; schedules, tighter; customer demands, heavier, and capital costs, greater.

GAUGING FOREIGN PURCHASES IMPACT ON THE U.S. ECONOMY

For this presentation, the RPI Committee on Passenger Transportation has sought up-to-date multipliers based upon the most recent input-output studies of the U.S. Department of Commerce.

However, we have been unsuccessful in attempting to quantify the number of jobs and the lost secondary and tertiary purchases that result from transit authorities' buying railcars outside the United States. The 1982 input-output figures have not yet been published by the Commerce Department.

Consequently, we have reverted to a program we issued several years ago, calling for a balanced public transportation program for our country. Among papers we consulted was the Office of Technology Assessment's study, "Energy, the Economy, and Mass Transit," published in December of 1975.

Based on our efforts to bring those figures forward in the 1980's, we concluded that every dollar spent on railcar manufacturing ultimately had a total overall impact on the economy of $2.60 and that a million dollars spent for railcars yielded 42.6 fulltime jobs for one year.

One may quarrel about whether an individual multiplier factor should be higher or lower, and by how much, but the basic point is unarguable. When we send our dollars out of the country to buy railcars, we are exporting employment—the foregone domestic work in the railcar building industry and the ancillary domestic businesses—as well as the goods and services that would have been purchased by their wage earners.

An article in The New York Times for April 21, 1988, cites a study by the Port Authority of New York and New Jersey of the effect of the expenditures of some $7.7 bil-

lion on rebuilding subway and commuter cars. That study showed the creation of 15,000 jobs and $12 billion in wages and business sales. No secondary or tertiary impacts were included, because the Port Authority wanted to be conservative.

PASSENGER-CAR MARKET AT A GLANCE

Purchaser	Number of cars	Type	Builder
These cars were delivered in 1987:			
Amtrak	2	Intercity prototypes	Budd, Amtrak.
Atlanta	36	Rapid transit	Hitachi, C. Itoh.
Baltimore (MARC)	13	Commuter	Nippon Sharyo, Sumitomo.
Boston	40	do	Bombardier.
	34	do	Messarschmitt-Bolkow-Blohm.
	9	Light rail	Kinki Sharyo.
	6	Rapid transit	UTDC, Inc.
Chicago (CTA)	36	do	Transit America.
NJ Transit Rail Operations	27	Commuter	Bombardier.
New York (Metro-North)	54	do	Mitsui, Tokyu Car.
	28	do	Bombardier.
New York (NYCTA)	335	Rapid transit	Do.
	184	do	Westinghouse/Amrail.
PATH (PA of NY/NJ)	69	do	Nissho Iwai, Kawasaki.
Philadelphia (SEPTA)	35	do	Bombardier.
Pittsburgh (PAT)	1	Light rail	Siemens-Duewag.
Sacramento	9	do	Do.
San Francisco (BART)	5	Rapid transit	Soferval.
San Francisco (CALTRANS)	2	Commuter	Nippon Sharyo, Sumitomo.
Santa Clara County	32	Light rail	UTDC, Inc.
Toronto (TTC)	26	Rapid transit	UTDC Group.
	5	Light rail	Do.
Washington (WMATA)	52	Rapid transit	Breda.
Total	1,040		
Work goes forward on this undelivered backlog:			
Alaska Railroad	8	Intercity	Daewoo.
Amtrak	1	Intercity prototype	Budd, Amtrak.
Boston	33	Commuter	Messerschmitt-Bolkow-Blohm.
	41	Light rail	Kinki Sharyo.
	52	Rapid transit	UTDC, Inc.
Los Angeles (LACTC)	54	Light rail	Nippon Sharyo.
NJ Transit Rail Operations	13	Commuter	Bombardier.
New York (NYCTA)	100	Rapid transit	Westinghouse/Amrail.
	200	do	Kawasaki.
Philadelphia (SEPTA)	26	Light rail	Asea Traction-Amtrak.
San Diego (MTDB)	20	do	Siemens-Duewag.
San Francisco (BART)	145	Rapid transit	Soferval.
Santa Clara County	18	Light rail	UTDC, Inc.
Toronto (GO Transit)	63	Commuter	Do.
Toronto (TTC)	46	Light rail	UTDC Group.
	94	Rapid transit	Do.
Washington (WMATA)	32	do	Breda.
Total	946		
Orders likely to develop in 1988:			
Baltimore	35–40	Light rail	
Boston	95–115	Commuter	
Dallas (DART)	12	Light rail	
Los Angeles (SCRTD)	30	Rapid transit	
Montreal	24	Commuter	
NJ Transit Rail Operations	40	do	
New York LIRR)	12	do	
New York (NYCTA)	44	Rapid transit	
Sacramento	6	Light rail	
Toronto (GO Transit)	60	Commuter	
Total	363–378		
The 5-year (1989–93) outlook:			
Baltimore	40	Light rail	
Baltimore (MARC)	30	Commuter	
Boston	100	Rapid Transit	
Buffalo (NFTA)	6	Light rail	
Calgary	14	do	
Chicago (CTA)	280–356	Rapid transit	
Chicago (METRA)	116	Commuter	
Dallas (DART)	12	Light rail	
Los Angeles (LACTC)	30	do	
Los Angeles (SCRTD)	34–42	Rapid transit	
NJ Transit Rail Operations	90–110	Commuter	
New York (LIRR)	46	do	
New York (Metro-North)	60	do	
New York (NYCTA)	[1]400	Rapid transit	
PATH (PA of NY/NJ)	29	do	
Portland (Tri-Met)	5–10	Light rail	
Sacramento	12–25	do	
San Diego (MTDB)	15–20	do	
San Francisco (CALTRANS)	13	Commuter	
San Diego (MTDB)	15–20	do	
San Francisco (CALTRANS)	13	Commuter	
San Francisco (MUNI)	24	Light rail	
St. Louis	31	do	
Toronto (GO Transit)	42–60	Commuter	
Toronto (TTC)	22–58	Rapid transit	
Vancouver (BC Transit)	10–20	Light rail	
Total	1461–1652		

[1] Annual 200 car procurements beginning in 1992.●

TRADE READJUSTMENT PROGRAM

●Mr. METZENBAUM. Mr. President, I rise to address a very serious situation which threatens to disrupt unemployment benefits for thousands of workers across the Nation.

On July 31, funding will run out for the Trade Readjustment Program which provides extended unemployment benefits to workers who have lost their jobs due to foreign imports. At least 26,000 workers who are currently enrolled in TRA are threatened with the loss of their benefits because of this funding shortfall. More than 3,000 Ohio workers could be adversely affected.

Trade readjustment assistance is an important program. It provides a safety net for thousands of unemployed American workers who might otherwise be unable to buy food for their families or pay their rent.

Under TRA, eligible workers can receive 26 weeks of additional benefits once their regular State unemployment benefits are exhausted. If workers are enrolled in approved training programs requiring more time beyond 52 weeks, they can receive such benefits for up to 78 weeks. But all of this is about to end.

In my State of Ohio, funds for trade readjustment assistance are already basically depleted. I understand the Ohio Bureau of Employment Services is mailing out a few final benefit checks this week with those remaining dollars it has on hand for the program.

The Department of Labor has requested a $49 million supplemental appropriation to fund the Trade Readjustment Assistance Program through the end of this fiscal year. That request is contained in a supplemental appropriation bill just passed the House today by a vote of 357 to 54.

Mr. President, the enormous trade deficit has taken a very human toll in this country. Plants have closed, workers have lost their jobs and communities have been devasted because of surging imports.

We must not turn our backs on those who have lost their jobs because of trade policies beyond their control.

I urge my Senate colleagues to move promptly on this supplemental appropriation. It's essential that we continue this assistance. Thousands of unemployed workers are depending upon it.●

COMMENDING MRS. ELLEN REEDER

● Mr. BOREN. Mr. President, I would like to take this opportunity to bring to your attention the achievements of one of my constituents, Mrs. Ellen Reeder. Today she was bestowed with the unprecedented honor of being the first recipient of the Life Service Award for the American Cancer Society of Oklahoma. Her dedication and commitment to this notable organization is truly admirable and deserves commendation.

Mrs. Reeder's 30 years of volunteer service began when she worked in a door-to-door educational campaign drive in Elk City, OK. After several years of service in this and various other capacities, Mrs. Reeder moved to Cordell. She has spent the last 24 years in Cordell, serving as the county chairman for the Cancer Crusade of Washita County. For each of these years she has skillfully managed to match, or more often, exceed her dollar and educational goals.

Mrs. Reeder is a shining example of a citizen dedicated to community concerns. To further applaud her unrivaled service, the mayor of Cordell proclaimed today, her 86th birthday, as Ellen Reeder Day. In addition, Governor Bellmon presented her with the Outstanding Oklahoman Award. The award conferrals took place at a ceremony this morning to an audience of over 250 citizens. This impressive turnout is a telling sign that the people of Cordell respect and appreciate the commitment Mrs. Reeder has demonstrated, and the service she has rendered to their community. I am pleased and proud that the American Cancer Society has dedicated this award to Mrs. Reeder, and I am honored to represent her in the U.S. Senate.●

FEDERAL PERSONNEL IMPROVEMENTS ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 740.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2530) to improve the management of the Federal pay system and increase efficiency and productivity of Federal employees, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 2720

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Mr. ROTH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. ROTH, proposes an amendment numbered 2720.

Mr. DOLE. 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 17, insert after line 14 the following:

"(3) Bonus payments by an agency during any fiscal year may not exceed one percent of the agency's payroll for that fiscal year, unless the Office of Personnel Management authorizes a higher limit for the agency due to unusually difficult recruitment or retention problems.".

On page 19, insert after line 2 the following:

"(e) The Office of Personnel Management shall submit a report to Congress each year on the operation of this section, including the number and amounts of bonus payments and the occupations and agencies involved.".

On page 19, insert before line 7 the following:

"(c) SENSE OF CONGRESS.—The amendments made by this section are enacted by the Congress with the expectation that bonus payments under such amendments will prove to be a more cost-effective method to deal with recruitment and retention difficulties than the payment of higher minimum rates of pay under section 5303 of title 5, United States Code.

"(d) REPEAL.—The amendments made by this section are repealed 7 years after the date of enactment of this Act.".

Mr. ROTH. Mr. President, I rise today to offer an amendment to S. 2530, the Federal Personnel Improvement Act of 1988. This legislation would expand the authority of the Office of Personnel Management to implement demonstration projects within the Federal Personnel System using alternative compensation systems. Four of these projects would be in the Department of Defense, one in the National Aeronautics and Space Administration, and between one and five in other Federal agencies. Title II of the legislation extends the authority to grant special pay rates, updates uniform allowances and the remote worksite allowance, provides incentive pay for nurse officers in the public health service, and creates a new bonus system for recruitment and retention of Federal employees.

I support the goal of improving the civil service that is at the heart of this legislation. I am concerned, however, about the budget impact of the new bonus authority, and I offer this amendment in an effort to maintain budget control of this new program.

Section 202 of title II provides for bonus payments of $1,000 to $10,000 to be used by agency heads for employees with whom there is a recruitment or retention problem. Individuals receiving such a bonus shall enter into an agreement with the agency ensuring that he or she will remain within the agency for not less than 6 months and not more than 2 years after receiving the bonus. If employees receiving a bonus leave the agency before they have worked the required period, they must return the bonus.

Mr. President, I became concerned about this section of the bill after

reading a budget estimate from the Congressional Budget Office. According to the estimate, "no data are available to ascertain the number and size of the bonuses that will be awarded under this provision. A comparable system of providing bonuses does not exist in the Government, nor has the administration testified on how the bonuses would be awarded. If the total number of special rate employees receive the full bonus of $10,000, this provision would cost $1.2 billion. On the other hand, this provision would have no net budgetary effect if no bonuses were awarded. The cost of the bonus could be reduced to the extent that bonuses might be used instead of special pay rates to target incentives on specific individuals instead of groups."

My amendment is intended to satisfy concerns that this new bonus incentive, while an important feature of this legislation, will strain our budget resources. My amendment has four sections: Section I requires that bonuses by an agency during any fiscal year may not exceed 1 percent of the agency's payroll for that fiscal year, unless the Office of Personnel Management authorizes a higher limit for the agency due to unusually difficult recruitment or retention problems. This would reduce by half, or by $600 million, the potential expense of this provision in the bill.

It is my understanding, Mr. President, that money appropriated under this authority will come from the salary and expense accounts of the agency budgets. While I fully support the concept of a recruitment and retention bonus, it is my expectation that it should be used carefully and prudently. I am hopeful that this new bonus authority will provide agencies experiencing recruiting and retention difficulties with the flexibility they need to maintain a strong, well-qualified workforce.

Section II of the amendment requires the Office of Personnel Management to submit a report to Congress each year on the operation of the bonus authority, including the number and amounts of bonus payments and the occupations and agencies involved.

Section III of the amendment expresses the sense of Congress that the amendments made by the bonus authority are enacted with the expectation that bonus payments will prove to be a more cost-effective method of dealing with recruitment and retention difficulties than the payment of higher minimum rates of pay.

Section IV of the amendment requires that the bonus system created under this bill will be repealed 7 years after the date of enactment of this legislation. This will provide the Congress with the opportunity to review the merits of this program after 7 years. If the Congress believes the program has been successful, the program can be reestablished at that point.

Mr. President, it is my understanding that this amendment is acceptable to the sponsor of the legislation, Senator BINGAMAN. I thank him for his cooperation and congratulate him on this important legislation.

THE PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Delaware (Mr. ROTH).

The amendment (No. 2720) was agreed to.

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

Mr. BINGAMAN. Mr. President, I would like to very briefly indicate that I think it is important legislation. It is legislation that was put together by a bipartisan group of Senators. We have had very good cooperation from both sides of the aisle on this. If we can enact this legislation it will be significant reform since the Civil Service Reform Act of 1978.

The legislation had really been the brainchild of Mr. David Packard and the Packard Commission. His suggestion are ones we incorporate in here very extensively.

Mr. President, I am delighted today to have the opportunity to speak in favor of S. 2530, the Federal Personnel Improvements Act of 1988, which I introduced June 17, together with a bipartisan group of 12 other Senators from the Governmental Affairs, Armed Services, and Commerce Committees.

I am not going to repeat here today all the arguments in favor of this legislation which I enumerated in introducing the bill. But I do want to briefly discuss the potential importance of this legislation.

This bill is designed to deal with the growing problems we face in attracting and retaining the sort of top-quality people we need in the Federal civilian work force. It would be, if enacted, the most significant reform since the 1978 Civil Service Reform Act.

Title I of the bill mandates up to 10 personnel demonstration programs with up to 25,000 individuals in each program. It will allow the Office of Personnel Management, the Department of Defense, the National Aeronautics and Space Administration, and other civilian agencies to explore alternatives to the current civil service system in a variety of settings.

This section of the bill has its roots in the recommendations of the 1983 White House Science Council study of our Federal laboratories and the 1986 Presidential Commission on Defense Management study, both of which were chaired by David Packard. Those studies called for much broader application of the more flexible, performance-oriented personnel system developed at the Naval Weapons Center at China Lake, CA, and at the Naval Ocean Systems Center in San Diego, CA, under the terms of the 1978 Civil Services Reform Act. The Packard Commission recommended the China Lake model be applied to the entire DOD acquisition work force, including the scientists and engineers in the DOD laboratories.

I have been pleased with the very strong support this bill has received not only from the members of the Packard Commission, including Mr. Packard and James Woolsey, who testified earlier today before the Senate Armed Services Committee, but also from the Defense Department itself. Deputy Secretary Will Taft and Assistant Secretary for Force Management and Personnel, Grant Green, have played instrumental roles in forging administration support for this bill and I appreciate their efforts, as well as those of Secretary Carlucci who served on the Packard Commission. Let me quote from Secretary Carlucci's July 12 testimony before the Senate Armed Services Committee:

> The quality of our defense acquisition work force gets little help from the current civilian personnel system. As pointed out by the Packard Commission and the Defense Science Board, problems in recruiting, retaining, and providing incentives for high quality scientific, engineering, and acquisition personnel are becoming acute. As one study recently described it, DOD is trying to design, acquire, and maintain 21st century technology while working under a restriction-oriented personnel system, which has its roots in the 19th century civil services philosophy. This is why we have been working closely with Committee on and Office of Personnel Management in support of legislation that will allow us to test personnel systems that are less reliant on rigid classification distinctions and more reliant on pay flexibility that is market oriented and more closely linked to performance. Your bill, S. 2530 will give us that opportunity for 100,000 DOD employees. It is clearly a step in the right direction.

I am personally convinced that there is nothing we can do that is more important for the reform of the $160 billion per year defense acquisition system than to improve the quality of people we have in Government working on these issues. We need people representing the interests of the Federal Government and the taxpayer as talented as those representing the firms doing business with the Government. We need continuity in our defense acquisiton work force, so that we do not repeat the mistake of the past. That means young people from our engineering schools, law schools, and business schools need to be able to look forward to as challenging a career in Government service as they will find in the private sector.

And let me note that our private sector wants to have top-quality

people dealing with them in Government, and in the defense acquisition system in particular. I have heard many defense industry leaders make that point over the past few years.

So, title I of this bill would give the new administration a chance to take a significant step forward in civil service reform. It is vitally needed and I hope that positive action today by the Senate will be followed up later this year by our colleagues in the House.

Title II of the bill has a shorter term focus. It broadens the current special pay rate program, creates a recruitment and retention bonus program, and makes various other changes designed to increase the flexibility agencies have in managing their work forces and in dealing with recruitment and retention problems.

Much of title II derives from S. 987 introduced last year by my colleagues from Virginia, Senators TRIBLE and WARNER, who are original cosponsors of the bill before us. I commend them for their leadership on special pay rate reform.

Mr. President, after this bill was introduced we did receive a Congressional Budget Office cost estimate on the various elements of the bill. I ask unanimous consent to insert that cost estimate at this point in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 24, 1988.

Hon. DAVID PRYOR,
Chairman, Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request, the Congressional Budget Office has prepared the attached cost estimate for S. 2530, the Federal Personnel Improvements Act of 1988.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
ACTING DIRECTOR.

S. 2530: THE FEDERAL PERSONNEL IMPROVEMENTS ACT OF 1988

The Congressional Budget Office has reviewed the proposed Federal Personnel Improvements Act of 1988 (S. 2530). Title I, Alternative Compensation Programs, is required to be cost neutral. The total cost of Title II, Higher Minimum Rates of Pay, Miscellaneous Allowances, and Other Matters, cannot be estimated because of a lack of data about the effects of several of its provisions.

The estimates assume an effective date of October 1, 1988, and that necessary amounts are appropriated.

TITLE I—ALTERNATIVE COMPENSATION PROGRAMS

This title authorizes the Office of Personnel Management (OPM) to implement between six and ten demonstration projects using alternative compensation systems. Four of these projects would be in the Department of Defense, one in the National Aeronautics and Space Administration (NASA), and between one and five in other federal agencies. Each project would cover between 5,000 and 25,000 full-time equivalent positions. The Department of Defense may have up to 35,000 positions in up to two projects, but the total number of positions for the department may not exceed 100,000. The salaries must be between the rate of pay each employee received immediately preceding implementation of the program and level V of the Executive Schedule (currently $72,500). The bill allows a two-year period before the projects must be implemented, and an additional two-year phase-in period for all the employees that are to be included to be brought into the project. The projects are to continue for seven years after they are implemented, or five years after all the employees that are to be included are brought into the project.

The bill identifies the following four alternative compensation systems that the relevant agencies should consider implementing; it does not require that any of these systems be implemented.

1. Provide pay rate adjustments under Section 5305 of Title 5 of the U.S. Code that raises total pay and benefits to levels that are comparable to employees in equivalent positions in the private sector.

2. Provide pay rate adjustments under Section 5305 of Title 5 of the U.S. Code that provides comparability for basic pay to private sector employees in the same geographic region.

3. Establish a system of collective bargaining for determining pay and certain benefits and conditions.

4. Establish a system of pay based on performance, similar to the demonstration project at the Naval Weapons Center at China Lake, California.

The bill provides that carrying out these projects shall not increase total government costs. The estimate assumes that this limitation is effective.

Table 1 shows the costs of the three alternative compensation systems. Other spending would have to be reduced by these amounts for each alterantive to be cost neutral.

TABLE 1.—ESTIMATED COST OF ALTERNATIVE COMPENSATION SYSTEMS

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Total comparability:					
Estimated authorization level	747	772	798	824	852
Estimated outlays	667	807	833	861	890
Pay comparability:					
Estimated authorization level	928	958	989	1,021	1,054
Estimated outlays	828	1,0001	1,033	1,066	1,101
China Lake:					
Estimated authorization level	32	65	132	167	207
Estimated outlays	28	63	128	170	209

The costs of the alternatives are proportional to the number of positions participating in the demonstration projects. The estimates in Table 1 assume 140,000 positions are included in the projects, which is the mid-point between the minimum number of positions and the maximum number of positions that may be included by this proposal. The cost of the projects will vary if more or fewer positions are included. The cost of each alternative system may not be added together; the table shows the cost of each alternative system if it includes 140,000 positions. The estimates also assume that the demonstration projects begin October 1, 1988.

Comparability. The alternative total comparability system assumes a pay rate adjustment of 23.3 percent would be required in 1989 to make total pay and benefits comparable to the private sector. To provide comparability to the private sector for basic pay alone, the estimate assumes a 27.2 percent increase in 1989 would be required. These percentages are derived from the findings of the President's Pay Agent's comparability survey for fiscal year 1988, which reports the gap between wages for federal employees and employees in the private sector. Under CBO baseline assumptions, federal salaries grow by the inflation rate; CBO does not allow for the approximately 25 percent raise that is required to make federal salaries comparable to private sector salaries. Based on information provided in testimony before the House Post Office and Civil Service Subcommittee on Compensation and Employee Benefits on March 19, 1986, benefits for federal employees are generous relative to private sector employees; therefore, the adjustment to provide comparability for total pay and benefits is less than the adjustment required for basic pay alone. The cost of these alternatives will vary to the extent that the agencies use a different comparability measure, which might include variations in pay rates by geographical area.

China Lake. According to OPM data, China Lake spends the equivalent of 1 percent of its total pay base more per year under the demonstration project than if the project was not in place. The estimate assumes the total payroll of the demonstration projects will be $3.2 billion. This is based on an average annual salary of approximately $23,000 for the 140,000 positions included in the demonstration projects.

It is not possible to determine how much a collective bargaining system would cost relative to current law, because it is not known what agreements would be reached by the employees and their agencies under such a system.

TITLE II—HIGHER MINIMUM RATES OF PAY, MISCELLANEOUS ALLOWANCES, AND OTHER MATTERS

Title II extends the authority to grant special rates provided in the Continuing Resolution of Appropriations for Fiscal Year 1988, updates uniform allowances and the remote worksite allowance, and provides incentive pay to nurse officers in the Public Health Service. The budgetary effects of these proposals are summarized in Table 2.

Higher Minimum Rates. Section 201 of title II amends Section 5303 of Title 5 of the U.S. Code, expanding the number of positions eligible for higher minimum rates of pay. Under current law, higher rates may be granted only when pay rates in the private sector are substantially higher than in the government. Section 201 allows higher minimum rates to be granted for any reason. It also raises the minimum rates that may be given.

For 1988, OPM has the authority to grant expanded higher minimum rates. With this authority, they have granted special rates to 3,000 to 4,000 law enforcement positions at a cost of approximately $4 million. The estimate assumes OPM will continue to grant special rates under this expanded authority at the same rate as in 1988. The provision to raise the higher minimum rate payable to special rate employees assumes 6,900 new special rate positions are granted each year (based on an average turnover

rate of 6 percent for special rate employees), and the cost of increasing the higher minimum rate is $2,500 per position. These estimates are based on the assumption that the number of special rate positions are held constant throughout the projection period. The budgetary implications of this proposal will vary if the number of special rate positions change.

TABLE 2.—ESTIMATED COST OF TITLE II PROVISIONS

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Higher minimum rates:					
Estimated authorization level	11	34	57	82	107
Estimated outlays	10	32	56	82	108
Bonus payments:					
Estimated authorization level	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Advance payments of basic pay:					
Estimated authorization level	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Eliminate GS-11 threshold:					
Estimated authorization level	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Miscellaneous allowances:					
Estimated authorization level	32	34	36	38	40
Estimated outlays	27	33	35	37	40
Nurse officer incentive pay:					
Estimated authorization level	1	1	1	1	1
Estimated outlays	1	1	1	1	1

[1] No basis for estimate.

Bonus Payments. Section 202 of title II provides for bonus payments of $1,000 to $10,000 for employees receiving special rates under Section 5303 of Title 5 of the U.S. Code, as well as any employee in the agency for whom the head of the agency approves the bonus. Employees are required to work for a period of at least six months and up to two years after receiving a bonus. If employees receiving a bonus leave the agency before they have worked the required period, they must return the bonus.

No data are available to ascertain the number and size of the bonuses that will be awarded under this provision. A comparable system of providing bonuses does not exist in the government, nor has the administration testified on how the bonuses would be awarded. If the total number of special rate employees receive the full bonus of $10,000, this provision would cost $1.2 billion. On the other hand, this provision would have no net budgetary effect if no bonuses were awarded.

The cost of the bonuses could be reduced to the extent that bonuses might be used instead of special pay rates to target incentives on specific individuals instead of groups.

Advance Payment of Basic Pay. Section 203 authorizes the head of an agency to advance up to 30 days salary to an employee appointed to a position receiving a higher minimum rate of pay under Section 5303. There is no basis to estimate the number of employees that would receive this advance. Assuming the current number of special rate positions and the current turnover rate remain constant, if all new employees receive this advance and must pay it back within six months, this provision would cost $9 million in the first year. The cost would be negligible by the second year, because the amounts advanced would be offset by the amounts returned by employees. On the other hand, if no advances are made, this provision would have no budgetary effect.

Eliminate GS-11 Threshold. Section 204 enables an agency, with OPM approval, to pay a new appointee at a rate of pay higher than the minimum rate for the grade regardless of the grade. Current law requires that the position be rated as a GS-11 or above. According to OPM data, this would affect a relatively small number of positions, and therefore would have a negligible budgetary effect.

Miscellaneous Allowances. Section 205 removes the limits placed on allowance to cover the cost of uniforms and the allowance to cover additional cost incurred by employees at remote worksites. At present, approximately 90,000 employees receive $125 for uniforms each year. The estimate assumes the uniform allowance will average $500 in 1989 under the proposal, based on the average cost of a uniform at current prices.

Little data are available at this time on which we can base an estimate of the cost of increasing the remote worksite allowance. It does not appear that this provision will have significant budgetary effects.

Incentive Special Pay for U.S. Public Health Service Nurses. Section 206 provides incentive pay for commissioned nurse of officers of the Public Health Service. The amount of the incentive is the same as provided in the 1989 defense authorization (S. 2355) for nurses and physicians in areas where the military faces critical shortages. At present, the Public Health Service has 769 commissioned nurse officers, and has a critical shortage of 300 to 400 health service positions. These positions may be filled by commissioned or civil nurses. If commissioned nurses fill these positions, according to the Public Health Service.

AMENDMENTS

On page 17, insert after line 14 the following:

"(3) Bonus payments by an agency during any fiscal year may not exceed one percent of the agency's payroll for that fiscal year, unless the Office of Personnel Management authorizes a higher limit for the agency due to unusually difficult recruitment or retention problems.".

On page 19, insert after line 2 the following:

"(e) The Office of Personnel Management shall submit a report to Congress each year on the operation of this section, including the number and amounts of bonus payments and the occupations and agencies involved.".

On page 19, insert before line 7 the following:

"(c) SENSE OF CONGRESS.—The amendments made by this section are enacted by the Congress with the expectation that bonus payments under such amendments will prove to be a more cost-effective method to deal with recruitment and retention difficulties than the payment of higher minimum rates of pay under section 5303 of title 5, United States Code.

"(d) REPEAL.—The amendments made by this section are repealed 7 years after the date of enactment of this Act.".

Mr. BINGAMAN. Mr. President, I would like to conclude by thanking my colleagues on the Governmental Affairs, Armed Services, and Commerce Committees for their support in the development of this legislation. Senators PRYOR and STEVENS have the responsibility of overseeing the civil service personnel system. They have recognized the need for reform and have been instrumental in forging a compromise bill. Senators NUNN and WARNER and my other colleagues from the Armed Services Committee have been committed to trying to implement the Packard Commission's 1986 recommendations, not only in the areas of personnel reform, but across the board. Senators HOLLINGS and DANFORTH and their colleagues on the Commerce Committee have been working with NASA Administrator James Fletcher to deal with NASA's recruitment and retention problems. We have all come together in support of this legislation, and I hope we will be joined by the rest of our colleagues today in passing this bill and sending it to the House.

Mr. President, before we move to final passage, I would like to take note of the tremendous staff contributions to this bill in both the Senate and the administration.

I am indebted to Kim Weaver, Ed Gleiman, and Jeff Landry of the Civil Service Subcommittee staff; Jane McFarland and Jeff Steger of the Governmental Affairs Committee staff; Andy Effron of the Senate Armed Services Committee staff; Bruce Navarro of the Office of Personnel Management; Claire Freeman and Frank Cipolla of the DOD civilian personnel office; James Ling, now in the private sector who previously staffed both Packard studies I mentioned earlier; Rem Dickinson of Senator WARNER's staff; Lori Beth Feld of Senator TRIBLE's staff; and finally Ed McGaffigan of my own staff.

Without their hard work, we would not be in a position to take this long step forward toward civil service reform. Many hours of effort over the past 3 years have gone into finding a middle ground around which a consensus for reform could be forged. We are all the beneficiaries of that effort.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Personnel Improvements Act of 1988".

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are to—

(1) improve the management of the pay systems for Federal employees;

(2) increase the efficiency of agency operations;

(3) enhance the productivity of the Federal workforce; and

(4) promote the efforts of the Government in the recruitment and retention of qualified career employees.

TITLE I—ALTERNATIVE COMPENSATION PROGRAMS

SEC. 101. DEFINITIONS.

For purposes of this title—

(1) the term "agency" means an Executive agency (as defined in section 105 of title 5,

United States Code), except that such term does not include—

(A) the National Security Agency;

(B) the Central Intelligence Agency;

(C) the Defense Intelligence Agency;

(D) the Federal Bureau of Investigation; or

(E) the General Accounting Office;

(2) the term "employee" means an employee (as defined in section 2105 of title 5, United States Code) whose rate of basic pay would, but for this title, be determined under—

(A) subchapter III or section 5371 of chapter 53 of title 5, United States Code, relating to the General Schedule; or

(B) chapter 54 of title 5, United States Code, relating to the performance management and recognition system; and

(3) the terms "collective bargaining", "collective bargaining agreement", "exclusive representative", "management official", and "supervisor" each has the meaning given such term under section 7103(a) of title 5, United States Code.

SEC. 102. DEMONSTRATION PROGRAMS OF ALTERNATIVE COMPENSATION SYSTEMS.

(a) DEMONSTRATION PROGRAMS.—Within 2 years after the date of the enactment of this Act, the demonstration programs using alternative compensation systems as provided under this Act, shall be implemented by the Office of Personnel Management and—

(1) the head of the relevant agency for any program described under subsection (b)(1)(A);

(2) the Secretary of Defense for the programs described under subsection (b)(1)(B); and

(3) the Administrator of the National Aeronautics and Space Administration for the program described under subsection (b)(1)(C).

(b) PROGRAMS, PARTICIPANTS, AND LIMITATIONS.—(1) There shall be implemented under the provisions of this section, no less than 6 and no more than 10 demonstration programs using alternative compensation systems, of which—

(A) between 1 and 5 such programs shall be designed and implemented by the head of an agency, after consultation and approval by the Office of Personnel Management;

(B) 4 such programs shall be developed and implemented within the Department of Defense by the Secretary of Defense, after consultation and approval by the Office of Personnel Management; and

(C) 1 such program shall be developed and implemented within the National Aeronautics and Space Administration by the Administrator of such Administration, after consultation and approval by the Office of Personnel Management.

(2) Each such program under this section shall—

(A) cover a sufficient number of positions within an agency to provide an adequate basis on which to evaluate the desirability of implementing such program on a broader scale within the Government, except that not less than the equivalent of 5,000 full-time positions and no more than the equivalent of 25,000 full-time positions shall be covered in any such program at any time;

(B) include in the development of such program, prior to implementation, a detailed information gathering plan—

(i) to provide for the evaluation of such program to be developed by the Office of Personnel Management and the head of the relevant agency;

(ii) which shall include the total number of employees to participate in such program;

(iii) which shall be—

(I) submitted to the General Accounting Office, at least 60 days prior to program implementation; and

(II) reviewed by the General Accounting Office which shall report the results of the review to the Senate Committee on Governmental Affairs, the House Committee on Post Office and Civil Service, and the head of the relevant agency; and

(iv) which shall be periodically reviewed with regard to the adherence of such agency to such plan by the General Accounting Office which shall submit reports of such reviews to the relevant congressional committees; and

(C) within 2 years after the date of implementation under subsection (a), have the full number of employees participating in such program as provided for in subparagraph (B)(ii).

(3)(A) Notwithstanding the provisions of paragraph (2), no more than 2 programs described under paragraph (1)(B) may cover no more than the equivalent of 35,000 full-time positions each.

(B) Notwithstanding the provisions of subparagraph (A), the total number of equivalent full-time positions combined for the 4 programs described under paragraph (1)(B) may cover no more than 100,000 such positions.

(c) MINIMUM AND MAXIMUM RATES OF BASIC PAY; PROGRAM COST LIMITATIONS.—Each program under this section shall provide that—

(1) the rate of basic pay for an employee participating in any program under this title—

(A) shall be at least equal to the rate of basic pay payable to such employee for the pay period immediately preceding the date of the implementation of such program; and

(B) may not exceed the rate of basic pay payable for level V of the Executive Schedule; and

(2) the total cost to the Government in carrying out such programs shall not exceed what the total cost to the Government would have been, during the same period, if this Act had not been enacted.

(d) EMPLOYEES IN COLLECTIVE BARGAINING UNITS.—(1) Employees within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 of title 5, United States Code, shall not be included within any program under this section if the program—

(A) would violate a collective bargaining agreement between the agency and the labor organization, unless there is another written agreement with respect to the program between the agency and the organization permitting the inclusion; or

(B) is not covered by such a collective bargaining agreement, until there has been consultation or negotiation, as appropriate, by the agency with the labor organization.

(2) Employees within any unit with respect to which a labor organization has not been accorded exclusive recognition under chapter 71 of title 5, United States Code, shall not be included within any program under this section, unless there has been agency consultation regarding the program with the employees in the unit.

(e) NOTIFICATION OF PROGRAMS AND REPORTS.—The Office of Personnel Management, the Secretary of Defense, and the Administrator of the National Aeronautics and Space Administration shall, with respect to each applicable program implemented under subsection (a)—

(1) publish the plan developed under subsection (b)(2)(B) for such program in the Federal Register prior to implementation of such program;

(2) provide notification of the implementation of such program to affected employees and the Congress within 90 days before the date of such implementation; and

(3) provide an annual report to the Congress on such program.

(f) TERMINATION OF PROGRAMS.—(1) Subject to paragraph (2), any demonstration program implementing an alternative compensation system under this section shall terminate at the earlier date of—

(A) 5 years after the date on which the full number of employees are participating in such program as provided for under subsection (b)(2)(C); or

(B) 7 years after the date of the implementation of such program under subsection (a).

(2)(A) A program under this section may be terminated in accordance with the provisions of subparagraph (B), if the Office of Personnel Management, in consultation with the head of the relevant agency, determines that such program creates a substantial hardship on, or is not in the best interests of, the public, the Federal Government, or employees.

(B) If a determination is made under the provisions of subparagraph (A), a program may be terminated by the Office of Personnel Management, after consultation with—

(i) the head of the relevant agency, with regard to a program described under subsection (b)(1)(A);

(ii) the Secretary of Defense, with regard to a program described under subsection (b)(1)(B); or

(iii) the Administrator of the National Aeronautics and Space Administration, with regard to the program described under subsection (b)(1)(C).

(3) If a program is terminated under the provisions of paragraph (2), the head of the relevant agency shall notify all affected employees of such termination no later than 90 days before the date of such termination.

SEC. 103. ALTERNATIVE COMPENSATION SYSTEMS.

(a) TYPES OF SYSTEMS.—Before developing and implementing a demonstration program under section 102, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and each head of a relevant agency shall consider an alternative compensation system—

(1) under which annual pay adjustments under section 5305 of title 5, United States Code, provide that the total pay and benefits for Government service shall be comparable to the total pay and benefits for individuals at the same levels of work outside the Government;

(2) under which annual pay adjustments under section 5305 of title 5, United States Code, provide that rates of basic pay payable to employees are consistent with rates of basic pay generally payable for the same levels of work outside the Government within the same geographic region;

(3) under which conditions of employment for employees shall be subject to collective bargaining; or

(4) established by the head of the agency involved, which—

(A) may identify separate career categories for employees in positions which are subject to the system;

(B) shall provide for the rate of basic pay of an employee to be set and adjusted within salary structures based on such factors as the experience and achievements of the employee, position in a pay range, job responsibilities, rates of pay for similar positions outside the Government, and (consistent with section 5334 of title 5, United States Code) changes in positions or types of appointments;

(C) shall provide pay differentials for service as a supervisor or management official (which shall be considered a part of basic pay for purposes of subchapter III of chapter 83, and chapter 84, of title 5, United States Code);

(D) may authorize special awards (which shall not be considered a part of basic pay for any purpose); and

(E) shall authorize performance recognition in the form of—

(i) a lump-sum payment (which shall not be considered a part of basic pay for any purpose);

(ii) an increase in the rate of basic pay of an employee within a pay range or to a higher pay range; or

(iii) nonmonetary recognition.

(b)(1) COLLECTIVE BARGAINING ALTERNATIVE SYSTEM.—If the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, or any head of an agency implements a program using a system described in subsection (a)(3), such program shall provide that—

(A) any pay schedules or rates shall be established to provide that an appropriate differential (which shall be considered part of basic pay) is provided for service as a supervisor or management official; and

(B) only a unit or subdivision of a unit for which an exclusive representative is certified may participate.

(2) DEFINITION.—For purposes of a program using a system described in subsection (a)(3), the term "conditions of employment" means—

(A) personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, included under section 7103(a)(14) of title 5, United States Code; and

(B) personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, relating to classification of positions, leave, pay, or other compensation or benefits;

except that such term does not include policies, practices, and matters relating to life insurance, health insurance, and retirement.

SEC. 104. RULE OF STATUTORY CONSTRUCTION.

(a) Except as provided in subsection (b), in the administration of an alternative compensation system under this title, the provisions of this title shall apply notwithstanding any inconsistent provision of title 5, United States Code.

(b) In the administration of an alternative compensation system under this title, no provision of this title may be construed to waive any inconsistent provision of—

(1) chapters 83 and 84 of title 5, United States Code, relating to retirement;

(2) chapter 87 of title 5, United States Code, relating to life insurance; or

(3) chapter 89 of title 5, United States Code, relating to health insurance.

TITLE II—HIGHER MINIMUM RATES OF PAY, MISCELLANEOUS ALLOWANCES, AND OTHER MATTERS

SEC. 201. HIGHER MINIMUM RATES OF PAY.

(a) Section 5303 of title 5, United States Code, is amended to read as follows:

"§5303. Higher minimum rates of pay

"(a) When the Office of Personnel Management finds that the Government is experiencing significant difficulty in recruiting or retaining well-qualified employees under a statutory pay system for one or more occupations in one or more areas or locations—

"(1) because the pay rates for the positions involved are generally less than the rates payable for similar positions held—

"(A) by individuals outside the Government; or

"(B) by other individuals within the executive branch of the Government;

"(2) because of the remoteness of the area or location involved;

"(3) because of the undesirability of the working conditions or the nature of the work involved, including exposure to toxic substances or other occupational hazards; or

"(4) because of any other circumstance which the Office may identify;

the Office may establish for the areas or locations higher minimum rates of basic pay for one or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all rates of the pay range for each such grade or level. However, a minimum rate so established may not exceed the maximum pay rate for the grade or level by more than the amount by which such maximum rate exceeds such minimum rate.

"(b) In addition to positions under the statutory pay systems, the authority conferred on the Office by section (a) may be exercised with respect to positions paid under any other system established by or under Federal statute for positions within the executive branch of the Government.

"(c) A rate of pay established through the exercise of any authority under this section—

"(1) shall be subject to revision or adjustment; and

"(2) shall be subject to reduction or termination (in which case, pay retention shall be provided under section 5363).

"(d) Any authority under this section may be exercised only to the extent that funds are available for payment of rates of basic pay authorized under this section.

"(e) If the rates of pay under the General Schedule are increased pursuant to section 5305 of this title in any fiscal year, then, not later than the effective date of the increase in such rates, each rate of pay in effect for a position under this section on September 30 of the preceding fiscal year shall be increased by any percentage that is not less than the increase in the rates of pay for the corresponding grade of the General Schedule. Nothing in this paragraph prohibits more than one increase in such rate of pay during any fiscal year.

"(f) An increase in a rate of basic pay under this section—

"(1) is not an equivalent increase in pay within the meaning of section 5335(a); and

"(2) has the force and effect of statute.

"(g) Under regulations prescribed by the Office of Personnel Management, the benefit of advancement through the range of basic pay for a grade or level shall be preserved for any individual who is covered by this section and whose continuous service is interrupted in the public interest by service in the Armed Forces or by service in essential non-Government civilian employment during a period of war or national emergency.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by striking out the item relating to section 5303 and inserting in lieu thereof the following:

"5303. Higher minimum rates of pay.".

SEC. 202. BONUS PAYMENTS.

(a) BONUS PAYMENTS.—Chapter 53 of title 5, United States Code, is amended by inserting after section 5303 the following new section:

"§5303a. Bonus Payments

"(a)(1) Under regulations prescribed by the Director of the Office of Personnel Management, the head of an agency may provide for recruitment and retention bonus payments under this section—

"(A) to employees serving in positions for which the minimum rate of basic pay has been established under section 5303 of this title;

"(B) to employees whose responsibilities include the regular supervision of any employee paid at a rate established under section 5303 of this title; or

"(C) subject to the approval of the head of an agency, under criteria prescribed by the Office of Personnel Management, to any other employees of such agency.

"(2) A bonus payment under this section shall be equal to an amount, not less than $1,000 and not more than $10,000, determined by the head of the agency making such payment.

"(3) Bonus payments by an agency during any fiscal year may not exceed one percent of the agency's payroll for that fiscal year, unless the Office of Personnel Management authorizes a higher limit for the agency due to unusually difficult recruitment or retention problems.

"(b)(1) A payment may not be made to an individual under this section unless such individual has entered into an agreement with the head of the agency employing such individual which provides that—

"(A) such individual will continue in the service of the agency for a period of time determined under paragraph (2) of this subsection; and

"(B) if separated (except by reason of a reduction in force) from the agency before the end of the period agreed to, such individual will repay to the Government any amounts paid to such individual under this section.

"(2) The period of service applicable under paragraph (1) of this subsection may not—

"(A) be less than 6 months; and

"(B) exceed 2 years.

"(3) If an individual fails to repay any amount required under paragraph (1)(B) of this subsection, such amount is recoverable by the Government from the individual or the estate of such individual by—

"(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the individual from the Government; and

"(B) any other method provided by law for the recovery of amounts owed to the Government.

Notwithstanding the preceding sentence, the head of the agency concerned may, under the regulations issued under subsection (a) of this section, waive in whole or in part a right of recovery under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

"(c) The full amount of a bonus under this section shall be paid, whether in a lump sum or in the form of periodic payments, before the end of the period of service

agreed to under subsection (b) of this section.

"(d) A payment under this section is not part of the basic pay of an individual.

"(e) The Office of Personnel Management shall submit a report to Congress each year on the operation of this section, including the number and amounts of bonus payments and the occupations and agencies involved.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5303 the following:

"5303a. Bonus payments.".

(c) SENSE OF CONGRESS.—The amendments made by this section are enacted by the Congress with the expectation that bonus payments under such amendments will prove to be a more cost-effective method to deal with recruitment and retention difficulties than the payment of higher minimum rates of pay under section 5303 of title 5, United States Code.

(d) REPEAL.—The amendments made by this section are repealed 7 years after the date of enactment of this Act.

SEC. 203. ADVANCE PAYMENT OF BASIC PAY.

(a) GENERAL RULE.—Chapter 55 of title 5, United States Code, is amended by inserting after section 5522 the following:

"§5522a. Advance payment of basic pay

"(a) The head of an agency may provide for the advance payment of basic pay, covering a period of not more than 30 days, to or for the account of any employee of the agency who is appointed to a position if the rate of pay for such position is established under section 5303.

"(b) Subsection (c) of section 5522, relating to the recovery of funds advanced under subsection (a) of such section, applies with respect to any amounts advanced under subsection (a) of this section.

"(c) Notwithstanding section 5521(1), for the purpose of this section, the term 'agency' means any agency to which section 5303 applies.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5522 the following:

"5522a. Advance payment of basic pay.".

SEC. 204. ELIMINATION OF GS-11 THRESHOLD FOR NEW APPOINTEES TO BE PAID ABOVE MINIMUM RATES.

Section 5333(a) of title 5, United States Code, is amended by striking "in GS-11 or above".

SEC. 205. MISCELLANEOUS ALLOWANCES.

(a) REMOTE WORKSITE ALLOWANCE.—Section 5942 of title 5, United States Code, is amended by striking "of not to exceed $10 a day." and inserting in lieu thereof "under this section.".

(b) UNIFORM ALLOWANCE.—(1) Section 5901(a) of title 5, United States Code, is amended to read as follows:

"(a)(1) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government-owned corporation, such amounts as may be necessary—

"(A) to furnish a uniform to each employee of such agency who is required by regulation or statute to wear a prescribed uniform in the performance of official duties; or

"(B) to pay to each such employee an allowance adequate to cover the full cost of such uniform.

"(2) A uniform allowance under this section may be paid only at the times authorized by the regulations prescribed under section 5902 of this title.".

(2)(A) Chapter 59 of title 5, United States Code, is amended—

(i) by striking out section 5902; and

(ii) by redesignating section 5903 as section 5902.

(B) The table of sections for chapter 59 of title 5, United States Code, is amended by striking the items relating to sections 5902 and 5903, respectively, and inserting in lieu thereof the following:

"5902. Regulations.".

SEC. 206. INCENTIVE SPECIAL PAY FOR UNITED STATES PUBLIC HEALTH SERVICE NURSES.

Section 208(a) of the Public Health Service Act (42 U.S.C. 210(a)) is amended by by inserting at the end thereof the following new paragraph:

"(3) Commissioned nurse officers in the Regular and Reserve Corps shall while on active duty be paid incentive special pay in the same amounts as, and under the same terms and conditions which apply to, the incentive special pay now or hereafter paid to commissioned nurse officers of the Armed Forces under chapter 5 of title 37, United States Code.".

SEC. 207. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect 90 days after the date of the enactment of this Act.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

CIVIL LIBERTIES ACT—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 442 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 442) to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. GLENN. Mr. President, the conference report on H.R. 442, a bill to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, reflects a reasonable and well-thought out compromise between the Senate and House verisons of the bill. H.R. 422 was passed by the House in September, 1987, and S. 1009, the Senate version of the bill, which was reported from our Governmental Affairs Committee, was passed last April. There were several substantive differences between the two bills which have been resolved. On behalf of the Governmental Affairs Committee, I am glad to report to the Senate on that resolution.

First, the compromise bill includes restitution to the Aleuts who were relocated during World War II from their homes on the Aleutian and Pribilof Islands. This provision was included in the Senate version of the bill, but is contained in separate legislation that has not yet been passed by the House.

Second, the bill creates a civil liberties education fund authorized to be funded for $1.25 billion. From this fund, each individual of Japanese ancestry living on the date of enactment is eligible to receive payment of $20,000. The Senate version would have allowed such compensation to each internee who is living on the date of payment.

In addition, as a compromise, the conferees agreed that the payments of the vested rights of those eligible individuals who die after the date of enactment, but before they receive payment, are limited to three categories: First, a surviving spouse of 1 year, and if no surviving spouse, then second, equal shares to all children living at the time of payment, and if no surviving children, then three equal shares to parents living on date of payment. Under the compromise, if none of these three categories of heirs survive the eligible individual, then the compensation remains in the fund for allowable educational purposes.

Frankly, this was the most difficult issue for the conference committee to resolve. However, I feel that we have reached a compromise that manages to retain the essential thrust of both approaches. The sentiment underlying the Senate bill is that it is appropriate that compensation be made to those who actually suffered in the internment camps. The House approach recognizes the administrative problems for the Department of Justice, the agency responsible for locating and identifying eligible individuals, and the fundamental fairness of vesting the eligibility rights of those Japanese Americans who survive to see this bill become law.

The compromise bill accepts the House provision that the right to compensation should be vested at a specific point in time, but incorporates the Senate notion that compensation should only be paid to those most directly affected by internment. The compromise bill therefore limits the heirs who could claim under the

vested rights to those most directly affected by the Government action—the spouse, children, and parents of the internees. This makes sense as well because the compromise bill only authorizes appropriations to the fund up to $500 million in any given fiscal year. Because of this restriction, and the fact that the internee population is dying at a rate of almost 2,000 persons a year, it is very likely that some eligible individuals alive on the date of enactment will not survive to see their payment.

Now, some people might think that because the bill would allow payment to certain heirs of internees alive on the date of enactment, we ought to allow heirs of internees who died before the bill is enacted to also receive payment. I think we should not go down that road for several reasons. First, from a simply practical point of view, it will be nearly impossible for the Justice Department to track down the heirs of all internees who have died throughout this world from 1946 on.

Second, and more importantly, the payment of $20,000 to those interned is in many ways symbolic—it cannot possibly be an exact monetary accounting for the trauma and dislocation suffered by these Japanese-Americans. It is an important element of our recognition of responsibility for this unnecessary Government action. However, the establishment of a right to payment, in and of itself, is not the sole purpose of this legislation. In formally acknowledging and apologizing for this action, we are fulfilling our obligation to those internees who have already died. By allowing eligibility for payment to be vested at the time of enactment in recognition that the mechanics of payment may not occur quickly enough, and that there may be insufficient funds appropriated to make payments to all internees in the first year, we are fulfilling our responsibility to those who have survived to see this bill enacted into law.

I would add that the choice between the Senate and House versions on this issue was not affected by budgetary considerations. Once the funds are appropriated to the civil liberties education fund, they remain available for distribution for individual compensation or educational purposes for a 10-year period. Under no circumstances would those funds be returned to the U.S. Treasury during that period.

Mr. MATSUNAGA. Mr. President, I rise to urge approval of the conference report on H.R. 442, the Civil Liberties Act. A similar bill, S. 1009, which I had introduced with 75 cosponsors, passed the Senate on April 20, 1988. After its passage, the Senate considered the House bill, H.R. 442, amended it by striking all after the enacting language and inserting in lieu thereof language of S. 1009, as amended and passed by the Senate. H.R. 442, as amended, was sent back to the House, which asked for a conference.

The bill, as agreed to by the conferees, would implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, authorizing an apology on behalf of the Nation to American citizens and permanent resident aliens of Japanese ancestry who were relocated and interned by the United States Government during World War II. It further authorizes the payment of token compensation to approximately 60,000 surviving former internees, and the establishment of a civil liberties education fund to conduct research and to educate the American public about this and other egregious violations of civil liberties.

The conference committee, composed of members of the House Judiciary Committee and the Senate Governmental Affairs Committee, agreed to accept the Senate amendment which provides token compensation of $12,000 to about 450 surviving wartime evacuees from the Aleutian and Pribilof Islands in Alaska. The Aleutian and Pribilof Islanders, who are Native Americans, were evacuated from their remote island villages because of the threat of enemy attack. Relocated to southeastern Alaska, they were housed under deplorable conditions in abandoned canneries and mines. Because of a lack of adequate food, clothing, and medical care, 10 percent of them died. Upon returning to their homes near the end of the war, they discovered that their homes and public buildings had in many cases been destroyed by the American forces which occupied the islands, and that unexploded ordnance and other wartime debris had been left behind. The Senate-passed bill and the conference report also provide for clearance of such debris and, where appropriate, for the repair and reconstruction of community property.

The House conferees also accepted a Senate amendment offered during floor consideration of S. 1009 by the senior Senator from North Carolina [Mr. HELMS] which provides that nothing in the act shall be construed as recognition of any claim of Mexico, any other country, or any Indian tribe—except Aleuts—to any territory or other property of the United States, nor as providing any basis for compensation in connection with any such claim.

The House did not formally accept the findings of the Commission on Wartime Relocation and Internment of Civilians as the Senate did, but the House-passed bill contained a "Statement of the Congress" recognizing the grave injustice committed against American citizens and permanent resident aliens of Japanese ancestry and extending an apology on behalf of the Nation. The Senate conferees receded and accepted the House-passed language with amendments which added a statement relative to Aleutian and Pribilof Islanders and which emphasized the fact that no documented acts of sabotage or espionage by Americans or permanent resident aliens of Japanese ancestry were found by the Commission.

The conferees adopted a House-passed provision which would spread over a 10-year period the payments to Americans of Japanese ancestry who were interned, dropping a 5-year payment plan contained in the Senate-passed bill. I might add, Mr. President, that during the early stages of the conference on H.R. 442, the White House also expressed its support for a 10-year payment period.

Both House- and Senate-passed bills contained language which would extinguish any further claims against the United States Government stemming from the relocation and internment of Japanese-Americans. The conferees adopted the House language which specifically prohibits a former internee from accepting both court-awarded damages and the $20,000 settlement authorized by H.R. 442. A former internee would have up to 18 months to decide whether or not to accept the payment, after being notified by the Federal Government that funds were available to pay his or her $20,000 settlement.

The disagreement between the House and Senate which proved most difficult to resolve concerned a difference in the definition of individuals who would be eligible for the $20,000 payments. The House bill language provided that any former internee living on the date of enactment of the bill was an "eligible individual", and interpreted this provision to mean that if an eligible beneficiary died before funds became available to make the compensatory payments, his or her estate could receive the payment. By contrast, the Senate-passed bill defined "eligible individual" as one who was living on the date of payment. The difference is significant because many former internees are now elderly, because they have been waiting many years for this official, tangible recognition of the injustice which was done to them, and because the conferees had agreed to spread the payments out over a 10-year period, rather than the shorter period, of 5 years as proposed by the Senate. The conferees spent a considerable amount of time attempting to resolve this difference. Eventually, they agreed on what I believe is a very workable compromise. The Senate conferees agreed to accept the House language with an amendment which provides that in the event of the death of an eligible beneficiary after enactment of the bill but before

payment is made, the individual's surviving spouse, children, or parents would be eligible to receive the $20,000 compensatory payment.

Finally, Mr. President, the Senate accepted the House authorization of $1.25 billion—instead of the Senate's $1.3 billion—for the portions of the bill relating to Japanese-Americans who were interned during World War II.

It is most gratifying to me personally to see this long battle for personal justice come to an end at last. The many questions which Americans of Japanese ancestry had about the wartime relocation and internment have been largely answered as a result of the study conducted by the distinguished nine-member Commission on Wartime Relocation and Internment and the subsequent series of congressional hearings on redress bills introduced in the 98th, 99th, and 100th Congresses. I personally believe that the process has been an educational one, and that all Americans, can take great pride in the fact that this long overdue legislation will have set right a most grievous wrong and removed a longstanding blot on our great Constitution, as we commemorate its 200th anniversary. The compromise reached by the conferees is a good one and deserves the full support of the Senate. I hope that it will be speedily passed by the Senate and House and signed into law by the President.

I wish to thank my fellow conferees for their dedication to this task, the distinguished chairman of the Governmental Affairs Committee [Mr. GLENN], the ranking member of that committee [Mr. ROTH], the chairman of the Subcommittee on Federal Services, Post Office and Civil Service [Mr. PRYOR], and the ranking member of the subcommittee [Mr. STEVENS] who has been a principal cosponsor and staunch supporter of the legislation from the very beginning. I also thank the majority and minority leaders for their support in arranging timely consideration of my bill, S. 1009, the House bill, H.R. 442, and this conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

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

TAFT INSTITUTE AUTHORIZATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 724.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4585) to extend the authorization of appropriations for the Taft Institute through fiscal year 1991.

The Senate proceeded to consider the bill.

AMENDMENT NO. 2721

(Purpose: To provide for a State constitutional bicentennial education program and to provide certain library and education resource authorizations, and for other purposes)

Mr. BYRD. Mr. President, on behalf of Mr. PELL, 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 West Virginia [Mr. BYRD], for Mr. PELL (for himself, and Mr. THURMOND, Ms. MIKULSKI, and Mr. COCHRAN), proposes an amendment numbered 2721.

Mr. BYRD. 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 1, between lines 2 and 3, insert the following:

TITLE I—THE TAFT INSTITUTE

PROGRAM REAUTHORIZATION

On page 1, line 3, strike out "That section" and insert in lieu thereof "SEC. 101. Section".

At the end of the bill, add the following new titles:

TITLE II—CONSTITUTIONAL BICENTENNIAL EDUCATION PROGRAM

TEACHER TRAINING AMENDMENT

SEC. 201. Section 501(c)(1) of the Arts, Humanities, and Museums Amendments of 1985 is amended—

(1) by striking out "$5,000,000 for each of the fiscal years 1987 and 1988," and inserting in lieu thereof "$8,000,000 for each of the fiscal years"; and

(2) by inserting before the period at the end thereof a comma and the following: "of which at least $3,000,000 in each fiscal year shall be reserved for elementary and secondary teacher training and retraining programs in history, geography, and other related disciplines in social sciences and humanities designed to enhance understanding of the Constitution."

TITLE III—LIBRARY AND EDUCATION RESOURCE AUTHORIZATIONS

WASHINGTON LIBRARY CONSORTIUM

SEC. 301. (a) GENERAL AUTHORITY.—The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this section, to the Washington Library Consortium for the purpose of constructing and equipping a facility in Prince George's County, Maryland, that would link by computer eight university libraries (located at American University, Georgetown University, George Washington University, Catholic University, George Mason University, Gallaudet University, Marymount University, and the University of the District of Columbia) and provide central storage for the rare books of the participating institutions of higher education.

(b) APPLICATION.—No financial assistance may be made under this section unless an application is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

VERMONT HIGHER EDUCATION COUNCIL

SEC. 302. (a) GENERAL AUTHORITY.—The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this section, to the Vermont Higher Education Council located in Hyde Park, Vermont, for development activities for faculty at institutions of higher education which are members of the Vermont Higher Education Council designed to address and overcome professional isolation experienced by such faculty members.

(b) APPLICATION REQUIRED.—No financial assistance may be made under this section unless an application is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

HEALTH AND HUMAN RESOURCES CENTER AUTHORIZED

SEC. 303. (a) GENERAL AUTHORITY.—The Secretary of Education is authorized, in accordance with the provisions of this section, to provide financial assistance to Voorhees College, located in Denmark, South Carolina, to pay the cost of construction and related costs for a Health and Human Resources Center at Voorhees College.

(b) APPLICATION REQUIRED.—No financial assistance may be made under this section unless an application is made at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums, not to exceed $4,500,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

UNIVERSITY OF MISSISSIPPI LAW LIBRARY

SEC. 304. (a) GENERAL AUTHORITY.—The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this section, to the University of Mississippi Law School for the renovation and completion of the library facilities of the University of Mississippi Law School at Oxford, Mississippi.

(b) APPLICATION REQUIRED.—No financial assistance may be made under this section unless an application is submitted to the Archivist at such time, in such manner, and containing or accompanied by such information as the Archivist may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated

$2,200,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

TITLE IV—STUDENT LOAN DEFAULT TAX OFFSET PROGRAM

SENSE OF THE SENATE

SEC. 401. (a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Service program to offset tax refunds against amounts owed by individuals who owe the Federal Government money has been remarkably effective;

(2) $400,000,000 is anticipated to be raised by the offset program this year;

(3) the most effective offset program, returning $213,000,000 in 1987, has been for defaulted student loans;

(4) the publicity from the offset program has resulted in $30,000,000 being paid by student loan defaulters;

(5) the Department of Education, which incurred default costs of $1,600,000,000 in 1988 and is projected to incur costs of $2,000,000,000 in 1990, expects that the Internal Revenue Service tax offset program will continue to be an effective means of recovering defaulted student loans;

(6) the authority for the Internal Revenue Service tax offset program expires on July 1, 1988, and Federal departments such as the Department of Education will be unable to prepare files to be sent to the IRS at the end of the year; and

(7) each Federal department which cannot prepare files before the summer will lose a year of offsets.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Internal Revenue Service tax offset program should be reauthorized as soon as possible so that the Federal Government can continue to collect the anticipated recovery of $400,000,000 resulting from offsets in 1988, and further, that the tax offset program be permanently authorized.

Mr. PELL. Mr. President, on behalf of Senators THURMOND, MIKULSKI, COCHRAN, and myself I am offering an amendment which would do the following: First, increase the authorization of the Constitutional Bicentennial Education Program by $3 million for enhanced teacher training; second, authorize $7.5 million for a grant to the Washington Library Consortium; third, add an authorization of $1 million for a grant to the Vermont Higher Education Council; fourth, add a provision that authorizes a $4.5 million grant to Vorhees College in Denmark, SC, to pay the costs for a health and human resources center at the college; and fifth, authorize $2.2 million for the University of Mississippi Law School.

I urge my colleagues to support this amendment.

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

The amendment (No. 2721) was agreed to.

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 amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

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

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

The motion to lay on the table was agreed to.

TEXTILE AND APPAREL TRADE ACT OF 1988

Mr. BYRD. Mr. President, on behalf of Mr. HOLLINGS, I send a bill to the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2662) to remedy injury to the United States textile and apparel industries caused by increased imports.

Mr. HOLLINGS. Mr. President, today I am introducing an amended textile bill. This bill contains three modifications from S. 549, the textile bill that is now on the Senate Calendar and that has been cosponsored by 49 other Senators.

These modifications are:

First, a change, recommended by Senator DASCHLE, and otherwise known as the Daschle amendment. This amendment requires the administration to give preference to countries which increase their commercial purchases of U.S. agricultural products when allocating textile, apparel, and footwear quotas under the bill. The Daschle amendment also changes the year on which the quotas are based from 1986 to 1987 now that we have import figures for the full year for 1987.

Second, a category for neckties is added to the bill at the request of Senator JOHNSTON. Neckties were included in the textile bill that passed this Chamber in the last Congress and since then, conditions in this segment of the industry have worsened considerably.

Last, because there is an estimated shortfall in tariff revenues due to import controls, a pilot program to auction import licenses on 20 percent of textiles and apparel is added for calendar year 1989 only. It is left to the Secretary of the Treasury, in consultation with the Secretary of Commerce, to decide which categories will be covered by the pilot program. This program was included in the bill so that any projected revenue shortfall would be paid for by the program itself. If the program is successful and the administration wishes to continue to expand it after 1989, existing discretionary authority under the 1979 Trade Act can be used to do so.

I am introducing this bill today with these three salutary changes in order to give my colleagues a chance to examine these changes before the bill is considered by the full Senate.

While the basic thrust of the bill remains unchanged—a 1-percent increase in imports per year from all sources—I believe these changes are excellent improvements to the original bill. I am using the rule 14 procedure because this new bill closely resembles the basic bill reported by the Senate Finance Committee in July 1987 and now on the calendar.

Import penetration of the U.S. textile and apparel market has doubled since 1980, and foreign producers now claim 55 percent of the U.S. apparel market. Nearly $17 billion in capital investments since 1980 have enabled U.S. textile and apparel producers to hold their own in terms of style, quality, and proximity of market. But if present import trends continue, it will no longer make sense to invest and try to remain competitive. The greatest employer of women and minorities will be gone from America. The crisis in the U.S. footwear industry is even more devastating: Import penetration is now 82 percent of the U.S. market; since 1980, 70,000 footwear jobs have been lost with the closing of 400 plants.

It is in this urgent context that I am again submitting the textile-apparel-footwear trade bill, hoping to gain additional support with these modifications to the previous bill.

I urge my colleagues to support a strong American textile and footwear industry. Please join in voting for the Textile and Apparel Trade Act when it comes before the Senate.

Mr. BYRD. Mr. President, I ask for second reading.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have discussed this request with the able Republican leader. In the morning at 10 o'clock, the Senate will resume consideration of the unfinished business, the endangered species bill. There are only three amendments in order to that bill. Upon the disposition of that bill, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 836, S. 2631, a bill to provide drought assistance to agricultural producers.

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

Mr. BYRD. Mr. President, upon the disposition of the drought assistance bill, the Senate then will proceed to the consideration of the agriculture appropriation bill. So it would mean then that tomorrow the Senate will be

voting on endangered species, drought assistance, and if we finish that bill we go on to the agriculture appropriation bill. What we do not finish tomorrow we will be on on Friday.

Mr. President, does the distinguished Republican leader have any comment he wishes to make in this regard?

Mr. DOLE. No, except to compliment both managers of the bill and also the majority leader. That is No. 11. That is the lucky number.

Mr. BYRD. Yes.

Mr. DOLE. Only two to go.

Mr. BYRD. That is right.

Mr. DOLE. There is no doubt in my mind that maybe not by August 1 but shortly thereafter would be my guess all of the appropriations bills will have been passed due to the hard work of managers on both sides of the aisle and due to the efforts of the distinguished majority leader for pushing us every day.

Mr. BYRD. And due to the efforts of the distinguished Republican leader, without whose support and cooperation it could not have been done.

Mr. President, let me just take a moment to say that we all will miss the work of Mr. CHILES. This is his last time to manage this appropriation bill. He has unstintingly dedicated himself to his work. He has been a man of great courage and his leadership will be missed greatly.

I also wish to compliment the distinguished minority ranking member, Mr. WEICKER. He is not only a big man but, more importantly, he has a big heart.

Over the years, he has demonstrated his sympathy and concern for the underprivileged, those who are disadvantaged, those who are handicapped, the blind, the halt, the lame. He has committed himself to serving them, and it is with great admiration that I compliment him on his work. I thank him for the good work he did on this particular bill and that he unfailingly does on the other bills that he manages on the floor.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. I thank the Senator. I want to underscore the remarks about both Senators. Senator CHILES does a remarkable job and has all the time I have known him in the Senate. He will be missed in this body by Members on both sides of the aisle for his patience and determination and even temper.

I also thank the majority leader for his recognition of the outstanding work that Senator WEICKER has done over the years. When it comes to the handicapped and the down and out and left out, Senator WEICKER has stood tall in many ways.

He has an excellent record. I thank the majority leader for his remarks.

Mr. BYRD. I thank my friend.

ORDERS FOR THURSDAY

ADJOURNMENT UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 tomorrow morning.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, after the two leaders have been recognized under the standing order, there be a period for morning business to extend until the hour of 10 o'clock a.m., and that Senators may speak therein for not to exceed 5 minutes each.

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

MOTIONS AND RESOLUTIONS OVER, UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, no motions or resolutions over under the rule come over.

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

WAIVE CALL OF THE CALENDAR

Mr. BYRD. I ask unanimous consent that the call of the calendar be waived on tomorrow.

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

ADJOURNMENT TO 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 9:30 tomorrow morning.

Thereupon, at 10:23 p.m., the Senate adjourned until Thursday, July 28, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1988:

DEPARTMENT OF JUSTICE

THOMAS M. BOYD, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JOHN R. BOLTON, REASSIGNED.

DOUGLAS W. KMIEC, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE CHARLES J. COOPER.

NOREEN T. SKAGEN, OF WASHINGTON, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS, VICE EUGENE M. CORR, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

MARJORIE B. KAMPELMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ADVISORY BOARD FOR RADIO BROADCASTING TO CUBA FOR A TERM EXPIRING DECEMBER 20, 1991 (REAPPOINTMENT).

UNITED NATIONS

THE FOLLOWING-NAMED PERSONS TO BE A REPRESENTATIVE AND ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE 43D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

REPRESENTATIVE:

PEARL BAILEY, OF ARIZONA.

ALTERNATE REPRESENTATIVES:

NOEL GROSS, OF NEW JERSEY.

LESTER B. KORN, OF CALIFORNIA.

HUGH MONTGOMERY, OF VIRGINIA.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

SAM E. KEITH, JR., OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM OF 4 YEARS (NEW POSITION).

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

DELBA WINTHROP, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF 4 YEARS (NEW POSITION).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON THE ARTS FOR TERMS EXPIRING SEPTEMBER 3, 1994:

PHYLLIS CURTIN, OF MASSACHUSETTS, VICE SAMUEL LIPMAN, TERM EXPIRING.

MEL HARRIS, OF CALIFORNIA, VICE GEORGE L. SCHAEFER, TERM EXPIRING.

WENDY W. LUERS, OF NEW YORK, VICE ROBERT STACK, TERM EXPIRING.

KEVIN ROCHE, OF CONNECTICUT, VICE WILLIAM LAURENS VAN ALEN, TERM EXPIRING.

JOCELYN LEVI STRAUS, OF TEXAS, VICE CELESTE HOLM, TERM EXPIRING.

VETERANS' ADMINISTRATION

RENALD P. MORANI, OF VIRGINIA, TO BE INSPECTOR GENERAL, VETERANS' ADMINISTRATION, VICE FRANK SABURO SATO, RESIGNED.

IN THE 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. RONALD J. HAYS, [redacted]/1310, U.S. NAVY.