SENATE—*Tuesday, August 9, 1988*

The Senate met at 10:30 a.m., and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

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

Let us pray:

*So God created man in his own image * * * male and female created he them. And God blessed them, and God said unto them, be fruitful and multiply, and replenish the earth, and subdue it: and have dominion * * *.*—Genesis 1:27, 28.

Almighty God, Lord of history and ruler of the nations, as politics more and more preoccupy America in anticipation of the national election, help the people to be faithful to their mandate. Help us to think. We have become an unthinking people responding to clever slogans rather than truth—images rather than substance—manipulated by rhetoric rather than reason. We have "pigeon-holed" everyone—politicians, press, corporate leaders, doctors, lawyers, educators, preachers, races, and religions. Everyone fits a category, the image of which is a caricature. And the result is cynicism, unproductive and debilitating. Deliver us, wise God, from destructive nonthinking. Awaken the people to their responsibilities as citizens. Help them see that our political system breaks down if the people abdicate their sovereignty. Arouse us, oh Lord, to the critical need for a thoughtful, responsible citizenry, knowledgeable about candidates and issues, who take seriously their franchise and exercise it.

In the name of Him who is truth, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 9, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished majority leader is recognized.

THE JOURNAL

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

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

RESERVATION OF TIME OF THE TWO LEADERS

Mr. BYRD. Mr. President, I ask unanimous consent that the time of both leaders be reserved.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

PROS AND CONS OF LIVING BEYOND OUR MEANS FOREVER

Mr. PROXMIRE. Mr. President, what is wrong with living beyond our means? For the past 6 years, we have been doing exactly this. What price have we paid? Absolutely none. We have enjoyed the most prosperous period in many a decade. Think of it. For 6 years the United States has run one mammoth mega-deficit after another. Every single year since 1982, the deficit has exceeded any deficit in American history prior to 1981 by more than 100 percent. Our national debt careened from less than $1 trillion at the beginning of fiscal 1982 to a monstrous $2½ trillion today. It continues to roar on. Soon it will be $3 trillion of Federal Government debt. So what? The "spoil-sports" tell us this is awful. They say taxpayers must provide more than $150 billion every year just for interest on that debt. Interest is the most rapidly rising cost of the Federal Government. What does it give us? Nothing. It does not educate a child. It does not recruit or train or equip a single soldier, sailor, or marine to defend our country. It provides no environmental protection. It does not build 1 foot of highway. It is totally useless. It is also a payment we must make, on time, in full.

But so what? Here we have enjoyed more than 6 snazzy years of steady economic growth. Inflation continues low. Best of all, jobs are increasing as never before. By the millions. In fact, we have a higher proportion of the American adult population at work than ever before in our history. More Americans are working in relation to the population and in productive jobs than at the height of World War II. Yes, indeed, the interest burden is increasing. So what? Can't we always borrow the money to pay interest—whether the cost is $150 billion per year or a trillion or 10 trillion?

The moan and groan prophets of gloom and doom, including this Senator, say this party has to end. We say that, like all wild and wonderful parties, it will leave a bill and a massive one. We compare our great Nation with a family or a business that has borrowed far beyond its ability to repay or has fallen head over heels in debt and is rushing on to bankruptcy. But how about that? Our Nation is not a family. It is not a business. It is a sovereign country. It is a country with the biggest, strongest economy the world has ever seen. Like that old love song, "Why can't this night go on forever and not just 'til dawn?" Why can't this economic recovery go on not for just 6 years or a year or two more but for 10 or 20 or 30 years, or possibly longer? Is the answer that no country has ever before been able to do this? Well, has there ever been another nation as big and dominant, or as self-sufficient, as the United States? No, indeed.

The so-called supply-siders who have defended our economic policies as the deficits roll on year after year have argued that if we just give the economy a little more time and a lot more credit, it will somehow grow its way out of debt. After all, since fiscal 1986, the deficit has declined from $221 billion to about $150 billion last year. Maybe it will go up to $160 or $170 billion this fiscal year, but what do you expect in an election year? Next year, the new President and the new Congress will have the leeway, with the election out of the way, to freeze spending. So with continuing economic growth, maybe the revenues will continue to increase and the deficit decline as "living beyond our means"

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

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continues to stimulate the economy. Why not?

What is wrong with that scenario? What is wrong is that, sure the economic growth has been caused precisely by the Federal Government, the American households and the American business community all living beyond their means. Once the Congress brings the Federal deficit down under $100 billion per year, the stimulus to the economy will begin to diminish.

Ah, but then can't the monetary authorities prod households and businesses to borrow and spend even more and make up for the fall-off in Federal Government stimulus? Can't the Federal Reserve Board bring interest rates down by supplying whatever easy credit American households and businesses need to keep the good times rolling by building more new homes and buying more autos and living high off credit cards? Sure, the Fed can. And, yes, the Federal Government's debt may grow far more slowly. Do not hold your breath until it happens, but we might even balance a budget or two. Isn't that exactly what we have been striving for? No, it is not. Why not? Because the economy would continue its headlong rush to a crash and depression. As noted earlier, the Federal Government is, indeed, sovereign. It can borrow endlessly because it can create money and credit without end. This is why we have had 20 continuous years of deficits. The Federal Government and only the Federal Government can do this. But a household cannot. A business cannot. As the American household and business interest burden soars, it soon surpasses household and business income. Unlike the Federal Government, neither a household nor a business can create an endless supply of credit. So soaring debt service for households and business means insolvencies, widespread and catastrophic.

Good times may roll on for years to come. Perhaps, though it would be a very long shot, good times could roll on right through a new President's administration. Four years. Meanwhile our country, through Federal Government borrowing or private sector borrowing, or both, will accrue a debt several times bigger than the current $10 trillion total Federal, household and business debt. That debt may help create an enormously productive economic base—in facilities and equipment, in trained, skilled managers and labor, in a healthier work force, in a vastly improved standard of living. But no matter what blessings this economic growth brings, there is no escaping that colossal, overhanging debt and the steady, irresistible growth of the interest burden that threatens to swallow every gain the country has achieved.

MR. YEUTTER'S ATTACK ON U.S. TEXTILES AND APPAREL: MANUFACTURED FROM WHOLE CLOTH

Mr. HOLLINGS. Mr. President, I rise this morning to attempt to clean up the wreckage in the wake of Clayton Yeutter's op-ed piece on the U.S. textile industry in last Friday's Washington Post. I can only describe his column as a one-man demolition derby through the facts.

In my past dealings with Mr. Yeutter, I have learned the necessity of a degree of tolerance for his misstatements and ignorance of the textile industry. We all have a right to occasional error. But this time Mr. Yeutter has abused the privilege. He has gone beyond the bounds of fair play.

Mr. President, for the record, I ask unanimous consent that the Post column by the USTR be reprinted at this point in the RECORD.

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

[From the Washington Post, Aug. 5, 1988]

A BILL TO RAISE THE COST OF YOUR CLOTHING

(By Clayton Yeutter)

With clothing costs soaring and textile industry profits at record levels, this would seem to be a terrible time to take money away from people who buy clothes and give it to the companies that make them. Yet that is precisely what Congress is on the verge of doing in the textile bill.

This legislation, by dramatically reducing textile and apparel imports, would assuredly raise the price of clothes. This burden would fall most heavily on lower- and middle-income families, who spend a greater portion of their incomes on clothing than the wealthy. And the benefits would go to some of the nation's most profitable companies.

The justification usually offered for passing the textile bill is that competition from imports threatens the survival of the domestic industry. In fact, textile stockholders have never seen better days. Textile companies posted record profits of $1.9 billion last year—a 54 percent increase from just two years ago. More impressively, textile stocks rocketed up 838 percent during the 1982-87 bull market. Notwithstanding that, Congress seems determined to ask working families to pay more for winter coats and children's pajamas so that stock portfolios can grow even fatter.

But what about textile workers? What about their jobs? It's true that over the past decade, employment in the textile and apparel industries has declined (although it increased slightly from 1985 to 1987). But nearly all these jobs were eliminated through industry efforts to improve productivity. Consolidating operations and modernizing plants are necessary steps for any industry, but textile companies shouldn't blame imports when their own business decisions result in job losses. We expect these kinds of adjustments in a dynamic free enterprise society.

Not everybody realizes it, but the textile industry is already one of the most protected sectors of the U.S. economy. There are import restrictions on well over a thousand textile products from 42 countries, and the average textile and apparel tariff of 18 percent is about three times the average tariff on other manufactured products.

As a result, the average family already pays $238 per year more for clothing than it would if there were no textile protection. U.S. textile makers used to complain about "low-priced, subsidized" imports. No more. Last year the value of textile and apparel imports increased 15 percent, and they are rising even more rapidly this year. The high cost of clothing is fueling inflation. In the first half of 1988, apparel prices rose at an annual rate of 8 percent.

Consumers wouldn't be the only losers under the textile bill. Exporters, particularly farmers, would be exposed to retaliation from foreign buyers if the United States illegally cut off textile imports. Over 85 percent of U.S. agricultural exports go to the more than 40 countries that would be most affected by this bill. Last year U.S. agricultural exports totaled almost $29 billion, compared with U.S. textile and apparel imports of about $23 billion. U.S. farmers have more to lose than textile makers have to gain from this bill. Anyone who votes for it is no friend of the American farmer.

Textile bill supporters are seeking farm-state votes with a proposal that would give textile quota preferences to countries that increase purchases of U.S. farm products. There is far less to this than meets the eye, because the supposed "benefit" for textile-producing countries is nonexistent. Even with this bonus, countries that increase their purchases of American agricultural products would still have their access to the U.S. textile and apparel market cut. Our trading partners are hardly likely to feel rewarded if we tell them that they will be able to ship us a little less instead of a lot less if they buy American farm products. This meager attempt to bribe them out of retaliating against us is bound to fail. They will almost certainly still retaliate against U.S. exports—if not against our farmers then against our industrial products.

There is little question that the textile bill would raise clothing costs and spark countless trade wars. The only real question is why this is still an active issue. There is no textile "problem," there is only a desire by a politically powerful special interest to increase its profitability at the expense of lower- and middle-income consumers. Not too long ago, taxing the power to benefit the rich was called "regressive." If that concept is still valid, then this textile bill is a classic regressive solution to a nonexistent problem.

And by the way, textile and apparel imports are down more than 9 percent so far this year. Why this bill is even under consideration is beyond comprehension.

Mr. HOLLINGS. For starters, Mr. President, the Trade Representative claims that our domestic textile industry is going great guns. Apparently, Mr. Yeutter has been talking too much with his friends in Taiwan, Hong Kong, and Korea. If he had checked with our own U.S. Department of Commerce, he would have learned that, contrary to his morning-in-American pep talk, domestic textile profits dropped 12 percent in the first quarter of 1988.

I am appalled at the cavalier indifference of Mr. Yeutter—indeed, of this entire administration—to the plight of

some 14,000 small-scale apparel manufacturers, most of which are privately held and do not publish earnings figures. He ignores the brutal reality that some 1,000 U.S. textile and apparel plants have been shut down since 1980.

The USTR asks, "What about the textile workers? What about their jobs?" Well, Mr. Yeutter can ask the right questions, but his answers need some work. Those workers are at the forefront of my concern; at the forefront of the concern of more than 50 Senators who are cosponsoring textile legislation. The textile industry currently employs almost 2 million American workers—good jobs at decent, livable wages. This industry is America's largest single employer of women and minorities. So it hurts, and hurts badly, that more than 350,000 good U.S. textile jobs have been wiped out since 1980—swept away by the surging tide of foreign imports.

Mr. Yeutter, no doubt alluding to the virtual slave wages paid by many foreign textile and apparel producers, touts the fact that imports are less expensive and keep down costs to U.S. consumers. The facts in the real world are far different. The truth is that little if any of the price benefits of cheap imports are passed on to the American consumer. Instead, middlemen gobble up the cost differential in profits. An authoritative study by Market Research Corporation determined that there is only a fractional difference in the retail prices of comparable domestic and imported apparel. Certainly, the National Consumers League—the oldest consumer advocacy organization in the United States—is not fooled by cheap-imports-hold-down-prices claim. The NCL strongly supports our textile legislation.

Mr. Yeutter asserts that the U.S. textile industry is already protected. Tell that to 350,000 Americans who have lost their textile and apparel jobs. I will, however, agree on one point: There are some very fine trade laws on the books. The trouble is that this administration refuses to enforce them. The consequence is a pattern of run amok imports that is systematically liquidating our domestic textile-manufacturing capacity.

Imports have skyrocketed from 4.9 billion square yards in 1980 to 13.1 billion square yards in 1987, and the increases continue apace. The textile trade deficit has taken off from $4.7 billion in 1980 to $24.8 billion in 1987. If that's what Mr. Yeutter calls "protection," I'd hate to see his idea of "free trade."

Mr. Yeutter claims that farmers would be hurt by the Senate textile bill. Nonsense. The reality is that we have included a provision that gives foreign textile exporters a heavy incentive to purchase U.S. agricultural products.

Mr. Yeutter's ultimate insult is his see-no-evil-speak-no-evil assertion that there is "no textile problem." I say to Mr. Yeutter that there is indeed a problem, and his happy-talk cannot wish it away. The situation is bad now, and will soon turn critical. The Economist magazine predicts that, under current trends, foreign sources by 1990 will supply 80 percent of U.S. textile and apparel needs.

Mr. President, I suggest that Mr. Yeutter needs to remember whose side he is on. It is fine to encourage economic expansion in the emerging nations of the Pacific Rim. It is fine to cite the uplifting theories of Adam Smith and the virtues of open borders. But it would be refreshing if, just once, Mr. Yeutter would give some small sign that he considers it the job of the USTR to stand up for American workers and American industry and the American national interest. It would be refreshing. But don't hold you breath.

Mr. President, I find myself in the uncomfortable position right now of waiting my turn for the calling up of the textile bill in due order and, at the same time, watching the savaging of that textile bill by this administration—specifically, the U.S. Trade Representative, Mr. Yeutter. As I said, Mr. Yeutter's brief is contained in his August 5 Post op-ed. And virtually the same arguments are set forth in a letter addressed to each Senator and signed by various Cabinet members.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC., August 5, 1988.

DEAR SENATOR: We understand that the Senate may soon consider the Textile and Apparel Trade Act (S. 2662). We are writing to urge that you oppose this legislation.

Passage of S. 2262 would be extremely harmful to our country. It would hurt U.S. consumers, provoke retaliation against U.S. exports, violate our international obligations, and undermine our efforts to obtain a more open trading system for U.S. exports.

Moreover, there is absolutely no economic justification for the bill. Fibers consumed by U.S. mills were at record levels in 1987. Domestic textile and apparel production, employment, profits and exports all posted sharp gains in 1986 and 1987, and this trend is continuing into 1988. The bill would increase consumer apparel prices, which have risen sharply in the past six months, even faster.

The U.S. textile and apparel industries already benefit from tariffs averaging nearly 18 percent and from more than 1,500 quotas which raise the wall of protection even higher. This makes them the most protected industries in the United States. Textile and apparel imports increased only 2 percent in 1987 and have decreased more than 9 percent during the first five months of 1988. There is simply no need for further protection from imports.

Does it really make sense to provide further protection—at a time when imports are declining—to an industry that is prospering and already highly protected? The textile and apparel industry probably has the least persuasive case for further import protection of any major industry in this country.

If this bill is passed, we and the President's other senior advisors will recommend that he veto it.

Sincerely,

George P. Shultz, James A. Baker III, Richard E. Lyng, C. William Verity, Clayton Yeutter, Ann McLaughlin, James C. Miller III.

Mr. HOLLINGS. The Yeutter article starts off with the assertion that "clothing costs are soaring and textile industry profits are at record levels."

I characterize Mr. Yeutter's attack as "savage," advisedly. He is joined by responsible Cabinet officers, and they should know better; because while 1987 profits per dollar of sale for all manufacturers went up 4.9 percent, for textiles they were up only 3.9 percent.

Yet, that is what they call "soaring." And, as I said, profits are down 12 percent in the first quarter of 1988.

Likewise, at the moment, the unemployment rate in this land is 5.4 percent; yet for textiles alone it is 6.7 percent, and for the apparel, the garment workers, it is 9.6 percent.

"Soaring" they call that. They dare to claim there is no textile problem.

Specifically, textile inventories in 1988 are up 6 percent, while new orders are down 8 percent and profits are down 12 percent for the first quarter. That is the actual figure from the Department of Commerce.

If only we could get the Secretary of Commerce and his gang down there to read their own publications and their own statistics.

Soaring they say; no textile problem, wonderful. Why even bring up a bill at this time? Yet the facts are that we have lost 350,000 textile and apparel jobs since 1980, and we have lost some 21,000 jobs so far in 1988.

The textile mills are closing in my State, your State, and all the other States. The tragedy is nationwide in its impact. Yet this administration dares to inflict on us the distortion that imports are down 9 percent. This is completely misleading.

The truth is that China, the biggest shipper of textiles into the United States, overshipped quotas last year, so they are paying back this year. The European Community exports to the United States are off 10 percent due to the devaluation of the dollar. And due to appreciation of the yen, Japanese exports are off 25 percent.

Subtract those three understandable, one-time-only factors, and imports are actually up by 380 million square yards. It is business as usual. Jamaica, India, Pakistan, Philippines, Brazil—go up the list—they are all growing like Topsy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to former Congressman and now South Carolina Governor Carroll Campbell and two letters to my distinguished senior colleague, Senator STROM THURMOND from President Reagan.

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

JANUARY 18, 1980.

Congressman CARROLL A. CAMPBELL, Jr.,
Longworth House Office Building,
Washington, DC.

DEAR CARROLL: I share your concern for the well-being and continued viability of the American textile-apparel-fiber industry, and its more than two million workers. I want to pledge my strong support for renewal of the Multifiber Arrangement, and for such other actions which will enhance the international competitive position of the industry.

The MFA has brought a vital measure of order to textile trade by setting a framework for bilateral agreements establishing quotas for imports from developing, low-wage nations. The instrument is not perfect, but its renewal is imperative. My administration would seek MPA renewal, hopefully in a strengthened form. We would consider, for instance, keying import growth to the growth of the American market. We should explore the possibility of setting global quotas or guidelines. We would bargain for the tightest possible bilateral agreements, particularly with the People's Republic of China. With developing countries relying on textile exports to help them cover rising oil costs, this MFA renegotiation will be even more difficult than it was in 1977. We need a strong President, who looks to the needs of this country, to handle negotiations.

The textile industry, of course, would also benefit from incentive-oriented business initiatives which I support, such as accelerated depreciation and new tax deductions designed to encourage job-creating capital formation. Business productivity and modernization must be stimulated, and we should look to our tax laws to provide incentives for growth.

The textile industry is an integral part of South Carolina's and the nation's economy. I look forward to working with you to keep the industry sound.

Sincerely,

RONALD REAGAN.

SEPTEMBER 3, 1980.

Hon. STROM THURMOND,
Russell Senate Office Building,
Washington, DC.

DEAR STROM: The fiber/textile/apparel manufacturing complex provides 2.3 million vitally needed American jobs, including a high percentage of female and minority employees. As President, I shall make sure that these jobs remain in this country.

The Multifiber Arrangement (MFA), which is supposed to provide orderly international trade in fibers, textiles, and apparels, was first negotiated under a Republican Administration. The MFA expires at the end of 1981 and needs to be strengthened by relating import growth from all sources to domestic market growth. I shall work to achieve that goal.

Sincerely,

RONALD REAGAN.

OCTOBER 4, 1982.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR STROM: You know that I share your concern about the unemployment and the decrease in production in the textile/apparel industry caused by imports and further exacerbated by the recession. As I mentioned during our recent discussion concerning textile industry problems, I have made a commitment that was reaffirmed last December by Jim Baker, to seek to relate total import growth to the rate of growth in the domestic market.

This year this Administration has concluded negotiations with our three largest suppliers that limit the growth in quota levels to well below the rate of growth in the domestic market for six years. These agreements compare favorably with any previous negotiated agreements.

Although significant progress has been made this year, I have instructed all agencies and departments which have responsibilities related to the textile program to continue their efforts to work vigorously towards that goal. This applies not only for the important ongoing negotiations with the People's Republic of China, but also in future negotiations and implementation decisions as well.

To that end I want to assure you that the United States will continue efforts to negotiate a new bilateral agreement with the People's Republic of China independent from other considerations.

Sincerely,

RONALD REAGAN.

Mr. HOLLINGS. Mr. President, I am obliged to include the letter to Governor Campbell, because he has been appointed a chief bloodhound leading the truth squad in this year's campaign, and I wanted to put him hot on the trail of the Reagan-Bush administration.

The letter to Governor Campbell states, "We should consider, for instance, keying import growth to the growth of the American market."

That is exactly what the bill does.

"We should explore the possibility of setting global quotas."

That is exactly what the bill does.

We are doing what President Reagan asked to be done. Yet his Cabinet crowd comes out and says, "Whoopee, everything is fine."

Mr. President, if everything is so fine, I wonder why the London Economist comes to the opposite position. I ask unanimous consent that this article of May 1988 be printed in the RECORD.

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

WORLD TEXTILE TRADE AND CONSUMPTION: FORECASTS TO 1995

(By John Coker)

SUMMARY

This report analyses global trends in mill consumption, textile and clothing manufacturing and final demand for finished textile products. It updates a report, based on similar analysis, featured in the March 1987 edition of Textile Outlook International. The basis for the analysis is the comprehensive statistical data contained in the "World Apparel Fibre Consumption Survey" produced by the FAO (Food and Agriculture Organisation of the United Nations, Rome).

Despite some recent improvement, the long term trend in world fibre demand is one of slower growth. In developed countries as a whole the annual growth rate during the last ten years has been less than 1 percent; in developing countries it has barely kept pace with population growth and in the last few years has fallen below it. But if total demand has changed little there has been a dramatic switch in textile processing activity, most conspicuously at the expense of the US textile industry.

The future outlook is not encouraging. World demand is forecast to grow by 2.3 percent per annum to 1995 with consumption per head virtually static. It is expected that a combination of government action and economic forces will reduce the rate of decline in the US textile and clothing industry but not halt the fall. All of the extra demand in the Western industrialised countries is expected to be met from textile and clothing products made in developing countries, essentially in China and in East and South East Asia.

INTRODUCTION

The comprehensive coverage of the data in the FAO's "World Apparel Fibre Consumption Survey", and their availability over more than 25 years, make them especially valuable for medium term forecasts of future trends in consumption and production by region and by country. In this analysis a selection has been made of 11 major regions and countries considered to be of the greatest general interest. In fact the FAO gives data for every individual country (apart from Taiwan for which data are included with that for China). The same technique can therefore equally be used for any individual country or for other regional groupings.

Three year averages—The latest edition, published in late 1987, provides annual data up to 1985 for developed countries and up to 1984 for developing countries, thus going two years beyond those analysed in the March 1987 issue of Textile Outlook International. As before, most of the data in this analysis are converted to three year averages in order to smooth out the cyclical fluctuations characteristic of the textile industry.

The sharp decline in Zone A countries is clear from their indices, as is the dramatic increase in Zone C countries. Elsewhere there is little change, although Japan has lost some ground. Because the most significant changes are limited to Zones A and C and because Tables 6 and 7 only show snapshot pictures for two specific time periods, plots have been drawn of the year by year changes for the four countries/regions in these zones. Figures 2-5 show indices of self-sufficiency (mill consumption as a percentage of final consumption) and consumption per head for the USA, EC(12), China, and East and South East Asia. The rapidity and steepness of the changes in the indices for the USA and for China are very obvious.

[Tables and Figures not Reproducible for the Record.]

By country—Table 8 gives the sale-sufficiency indices and the volume of net textile and clothing trade for the main textile producing and trading countries. (The countries selected account jointly for 92 percent of world mill consumption and 90 percent of world final consumption). The regional grouping used for most of the tables can

mask wide variations between individual countries within the regions, notably within the EC(12) but also in Asia.

Note that net importers and net exporters do not necessarily fit neatly into the categories, developed and developing countries, respectively. Portugal, Spain, Belgium and Italy for example are among the main net exporters, while Malaysia, Singapore, Nigeria and the Maghreb figure among the net importers.

The figures for net imports and exports cover all the main stages, from yarn (including tops) to clothing and other finished articles. Countries where most of the exports are in finished form will obviously earn far more than those whose exports are mostly in the form of yarn or fabrics. Nevertheless the tonnage figures help to put the indices into perspective. For example, despite an index of 213, Indonesia's net exports are less than a tenth of those of South Korea whose index is 167, and barely a quarter of those of India whose index is 115.

Three countries stand out: China alone accounts for no less than 35 percent of all net exports of the countries listed, the USA's net imports account for over 36 percent of all imports of the countries listed; South Korea's net exports, in tonnage terms, are five times those of Hong Kong.

YARN AVAILABLE

"Yarn available" is calculated by adding net imports to, and subtracting net exports from, the figures for mill consumption. It indicates the amount of yarn available for weaving and knitting and as such reflects activity in the heart of the textile industry.

The figures for yarn available are set out in Table 9. Little comment is necessary since the figures closely follow those for mill consumption in Table 5, reflecting the fact that international trade in yarn is relatively small.

Comparison with mill consumption—Comparisons with Table 5 (mill consumption) are interesting. For example in the USA, and more especially in the EC(12), yarn available has fallen less markedly than mill consumption, showing that net imports of yarn have increased. Similar increases in yarn imports in Japan have meant that yarn available has risen more than mill consumption. The table does not show that in the USA and the EC(12) and other Western Europe the 1983-85 figures are higher than those of 1982-84 which were heavily influenced by the depressed year of 1982.

YARN TRADE

Table 10 gives yarn imports, the net trade balance in yarn and the importance of this balance in relation to the input of yarn available—in other words the extent to which there is a dependence on imports of yarn or, for exporters, the importance of export markets.

The volume of trade in yarn remains modest even though it has grown by 58 percent during the period. At world level 5.8 percent of yarn used has crossed a national frontier. At regional level this can be much higher—in the EC(12), for example, it is as high as 21 percent. But dependence on external sources is not high—even in the EC(12) net imports are still only 3.7 percent and in the USA only 0.5 percent of yarn available, despite substantial growth since 1973-75. Japan has seen the biggest turnround: from being a net exporter Japan's net imports now account for 4.0 percent of yarn available. Among exporting areas Latin America has the highest proportion of yarn exported. About a quarter of this is in the form of wool tops.

Exceptions to the stability pattern—There are only three real exceptions to this general stability: the first is the now familiar worsening of the US trade deficit; the second is the by now equally familiar jump in the export surplus of China (it has more than doubled in the two time periods in Table 12); and the third is the emergence of East and South East Asia as a major net exporter from an earlier position as a net importer.

US exports fall too—The cause of the US deficit is not simply rising imports. US imports have indeed doubled from around 160,000 tons in 1979 to 325,000 tons in 1985. But the fall in exports have been equally steep, from nearly 200,000 tons in 1979 to a current (1983-85) level of about 55,000 tons. Since there has been no reduction in market access, the implication is that there has been a considerable loss of competitiveness. This would help also to explain the equally dramatic rise in imports despite comprehensive restraints on exports to the USA from many of the developing countries. (This could be verified by a detailed examination of US trade data; such an analysis is outside the scope of this report, however.)

Chinese growth—Chinese exports now account for 22 percent of world fabric trade. Japan retains its position as a major fabric exporter, second only to China.

Imbalance in fabric trade—Most of the overall imbalance in the FAO import and export data occurs at the fabric stage. In 1982, 1983 and 1984 the figures for total fabric exports exceed those for fabric imports by 327,000 tons, 465,000 tons and 449,000 tons respectively. These figures represent between 13 percent and 18 percent of total recorded imports. If trade were rising rapidly some imbalance could be expected, but hardly of this order. In any case world fabric trade has not risen much since 1979. It may be that where imports are recorded by surface area, notably in the USA, the conversion coefficients used to translate into tons are too light. If this is the case then the import data given in the tables in this report may be too low.

Dependence on imports—What is clear, however, is that dependence on imports is greater at the fabric stage than at the yarn stage. Of the total fabric available in the world, 8.6 percent, possibly more, has crossed a frontier, compared with 5.8 percent for yarn. Similarly, export markets for fabric are more important for China and Japan than export markets for yarn.

TRADE IN CLOTHING AND OTHER MANUFACTURED TEXTILE PRODUCTS

Clothing: further sharp rise—World trade in clothing has shown a further sharp increase and shows no sign of slackening. Over the period under review the average annual growth is 9 percent and this has been maintained over the last five years. Later indications from other sources (notably articles in the January 1988 issue of *Textile Outlook International*) suggest that 1986 and 1987 may show even greater increases.

US deficit jump—The most striking single feature is the huge jump in the net trading deficit of the USA. This has almost certainly deteriorated still further since 1985 when it amounted to 684,000 tons, equivalent to 12.4 percent of final consumption. Considering that clothing represents no more than about 40 percent of total final consumption this suggests that net import penetration of the US clothing market in 1985 reached some 31 percent and will certainly have increased since then. The situation in the EC(12) was relatively stable between 1979 and 1985, with net clothing imports accounting for about 18 percent of the clothing market (on the same premise that clothing represents about 40 percent of total final consumption).

The correlation between income per head and fibre consumption holds out little prospect of any improvement. Only a significant improvement in income levels among the poorer countries is likely to trigger a major increase in demand; there are no indications that this is happening or is likely to happen in the near future.

The gap between richer and poorer countries in consumption per head is not diminishing and may even be increasing.

The shift in primary textile processing toward developing countries continues. The key changes are between the USA and Western Europe on the one hand, and China and the countries of East and South East Asia on the other. In 1973-75 the USA and Western Europe carried out 36 percent of world primary textile processing; by 1982-84 this had fallen to 28 percent.

A particularly dramatic decline has taken place in the USA. Its index of textile self-sufficiency has fallen from 96 percent in 1973-75 to 83 percent in 1982-84 (and to 77 percent in 1985). This is not all the result of higher imports. US textile exports fell by some 45 percent between 1980 and 1985, suggesting a substantial decline in US textile competitiveness.

Most world trade in tonnage terms still takes place in the form of fabric but the relative importance of clothing continues to grow. Between 1973-73 and 1982-84 trade in all textile and clothing products grew by 49 percent in volume; in clothing the increase was 118 percent.

FORECASTS

The basic assumption made in the forecasts is that the long term trends will persist in the absence of any indication of a major change. This is assumed to be the case for consumption per head and also for population. A simple multiplication of these two inputs gives the forecast to 1995 in final consumption. Note that trade flows are affected not only by fluctuations in demand but also by rates of quota utilization. These tend to rise and fall in a cyclical trend. Account has been taken in the forecasts of the likely changes in quota utilization rates although their absolute levels are not widely known.

Mill consumption forecasts—Mill consumption forecasts are much more a matter of judgment as to how far trade flows will change. Based on the evidence contained in tables in this report (especially Tables 6 and 7), it is forecast that major changes will be confined essentially to the four areas in Zones A and C, with perhaps some minor adjustments in South Asia. Changes may well take place in other areas. But there is no indication that they will occur or, if they do, which direction they will take. It seems unlikely, for example, that Latin America or the USSR and Eastern Europe will become major importers or exporters. In the absence of any indications to the contrary it can only be assumed that the present pattern will persist.

How far can US imports grow?—In the USA the key question is how far imports can continue (or be allowed to continue) to grow at the current rate. In the previous analysis it was assumed that more restrictive management of the various textile agreements would begin to limit the rate of

import growth. This did not happen. Instead of the forecast trade deficit of 895,000 tons in 1985, the deficit was 1,500,000. Once again the question is how far the USA is able, or wishes, to slow down the flood. The economic issue is simple, if stark. If imports continue to grow at 15 percent per annum, which they have done since 1979, then by 1990 they would account for 45 percent of total final consumption and, by 1995, 83 percent. US mill consumption would supply only 57 percent of final consumption by 1990 and 20 percent by 1995. This does not seem to be an acceptable scenario. The extension of the MFA in July 1986 and the accompanying bilateral US agreements with major suppliers ought to have provided the USA with the necessary framework to begin to limit the damage.

But while it may limit the damage it can hardly stop the decline altogether. It will be a major achievement if the growth rate of US imports could be reduced to the MFA nominal minimum of 6 percent, a level set during the 1970s at a time when consumption was growing by 3-4 percent. It is assumed that some means of achieving this will be worked out between the USA and its major low wage cost suppliers. Further falls in the value of the dollar should halt the decline is US textile trade with other developed countries.

Other elements neutral—Other elements in the US situation are likely to be broadly neutral in their effect:

Market resistance might begin to slow down imports but there must be many satisfied customers/retailers in the USA;

Lower US exchange rates are of limited benefit in textiles and clothing as long as many leading Asian suppliers tie their prices to the US dollar;

Technological changes, especially in clothing manufacture, may reduce the disadvantages of US labour costs but others also have access to improved technology.

Even assuming that the USA can successfully negotiate lower import growth rates the prospects for the US textile and clothing industries are sobering. Assuming a 6 percent per annum increase in imports from 1987 onward and stabilised US exports, then by 1990 US mill consumption will fall to 3.9 mn tons and by 1995 to 3.7 mn tons. These represent 66 percent and 58 percent respectively of final consumption and on the basis of these figures import penetration of the clothing market will reach 54 percent in 1990 and 66 percent by 1995. Serious though this may appear, it nevertheless represents a big improvement on present trends.

EC-further deterioration expected—In the EC(12) on the other hand some deterioration of present trends is to be expected. The stability between 1979 and 1984 could hardly be expected to persist indefinitely; indeed 1986 and 1987 witnessed a sharp deterioration. Taking this into account the deficit still grew by only 2.5 percent per annum from the 1979-81 average to the 1985-87 average. The main influences to 1990 and 1995 are as follows:

Increasing pressure on the EC market if the USA is able to protect its own market more effectively.

Lower dollar value; many Asian producer prices are tied to the US dollar. A recent analysis by Comitextil (see *Textile Outlook International*, January 1988) shows that many Asian products have fallen in Ecu (European Currency Unit) terms from an index of 100 in March 1985 to 60 in March 1987, an effective devaluation of 40 percent.

Increasing market resistance; the EC(12) market is more fragmented than that of the USA and, other things being equal, this should give the local producer an advantage. In practice the big retail organizations have offset some of this advantage by virtue of their scale of operations and their worldwide buying effectiveness. Even the leading fashion houses now have a proportion of their output produced in the Far East. The creation in the EC of the genuine common market by 1992 may be exploited more effectively by the retailers than by local manufacturers.

Technological developments are unlikely to be restricted to the EC(12). If expenditure is any guarantee of success the Japanese are the most likely to be successful in the clothing research field.

None of these influences seems likely to work heavily in favour of local EC(12) producers. Unlike the USA, however, the Community has, on its Mediterranean flank, four very competitive textile and clothing producers—Italy, Greece, Spain and Portugal.

On balance the EC(12) import deficit seems likely to grow by about 4 percent per annum during the period to 1995.

East will gain from the West's losses—What is lost in the West will continue to be gained in the East. To their own consumption in China and East and South East Asia can be added the extra markets expected to arise in the USA and in Western Europe. South Asia should also derive some benefit.

The key findings—These are the basis for calculations leading to the data given in Table 18 while the principal elements are illustrated graphically in Figures 6 to 9. The key points which emerge are as follows:

Total world demand is forecast to rise by over 2 percent per annum to 1990 and by 2.3 percent per annum to 1995, both higher than the present rate. However this mostly reflects higher population growth; consumption per head shows very little growth.

Mill consumption in the USA is expected to fall in absolute as well as in relative terms. In the EC(12), mill consumption is forecast to stabilise at its present level.

Mill consumption in China is forecast to grow by over 60 percent by 1995. This is where the new machinery will be installed. China's self-sufficiency index is also forecast to grow. In East and South East Asia on the other hand, although mill consumption is forecast to increase by 50 percent, its self-sufficiency is not expected to change from the current level.

Mr. HOLLINGS. Mr. President, the article now in the RECORD is entitled "Textile Outlook International," and it is dated May of this year.

Here is an objective, highly professional group, the Economist intelligence unit, and it concludes that total demand has changed little. However, there has been a dramatic shift in textile processing activity, most conspicuously at the expense of the U.S. textile industry.

I quote the Economist, "The future outlook [for U.S. textiles] is not encouraging."

Yet Mr. Yeutter has the gall to claim that everything is jake with the U.S. textile industry, actually misquoting the figures. He says that agricultural exports are almost $29 billion compared with U.S. textile and apparel imports of almost $23 billion. He is absolutely wrong. He knows that the textile and apparel imports were $28.9 billion. That is the exact figure. And we exported some $4.1 billion for a net textile and apparel deficit of $24.8 billion.

When Ronald Reagan wrote his letter back 8 years ago, he pledged to tie the growth of textile and apparel imports to the growth of consumption in the domestic market. Under that plan, the textile trade deficit should have grown from the $4.7 billion deficit that we had at that time, it was $4.7 billion in 1980, to $5 billion or $5.1 billion last year. Instead, the textile trade deficit has skyrocketed to $25 billion, up, up, up and away.

Yet Mr. Yeutter has the audacity to come forth with these spitball articles, manufactured totally out of whole cloth. He circulates misleading letters to Senators. He is wrong right down the line. He says that the agricultural amendment to the textile bill will do absolutely nothing. All he's got to do is read it. It will have a major impact for the good. It says those countries who favor us in the purchase of agricultural products from the United States shall be favored in their textile exports to the U.S.; in other words, there shall be no retaliation. That is intentionally put in there by our distinguished colleague, Senator DASCHLE, from South Dakota, and has broad support.

So we have given the President what he has asked for, a global textile and apparel bill, linking import growth to growth in domestic U.S. consumption, and we have included safeguards against any retaliation against agricultural products.

In his letter, Mr. Reagan said he was going to control imports from China. Yet I now read in the Economist:

The rapidity and steepness of changes in the indices from the U.S.A. and for China are very obvious.

Likewise, the overall assessment by the Economist is especially bleak for the United States. I quote:

The most striking single feature is the huge jump in the net trading deficit of the USA. this has almost certainly deteriorated still further since 1985 when it amounted to 684,000 tons, equivalent to 12.4 percent of final consumption. considering that clothing represents no more than about 40 percent of total final consumption this suggests that net import penetration of the US clothing market in 1985 reached some 31 percent and will certainly have increased since then. The situation in the EC(12) was relatively stable between 1979 and 1985, with net clothing imports accounting for about 18 percent of the clothing market (on the same premise that clothing represents about 40 percent of total final consumption).

In the USA the key question is how far imports can continue (or be allowed to continue) to grow at the current rate. In the previous analysis it was assumed that more restrictive management of the various textile agreements would begin to limit the rate of import growth. This did not happen. Instead of the forecast trade deficit of

895,000 tons in 1986, the deficit was 1,500,000. Once again the question is how far the USA is able, or wishes, to slow down the flood. The economic issue is simple, if stark.

The Economist uses the word "stark." Quite a contrast to the rosey picture put forth by this administration.

I again quote the Economist:

If imports continue to grow at 15 percent per annum, which they have done since 1979, then by 1990 they would account for 45 percent of total final consumption and, by 1995, 83 percent. US mill consumption would supply only 57 percent of final consumption by 1990 and 20 percent by 1995. This does not seem to be an acceptable scenario. The extension of the MFA in July 1986 and the accompanying bilateral US agreements with major suppliers ought to have provided the USA with the necessary framework to begin to limit the damage.

Mr. President, I agree with the Economist, and I appreciate this opportunity to correct the Yeutter record.

I thank my distinguished majority leader.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HECHT. Mr. President, this morning the George Washington University started a symposium, the International Conference on Safety of Nuclear Reactors.

Scientists from all around the world have come to Washington, DC, and are now attending this conference.

Several teams, in the United States and abroad, are developing new reactor concepts with enhanced safety features. Some of these reactors would, in principle, protect the public without relying on operator response or the operation of engineered safety equipment. The benefits and costs of improving the light water reactor designs and of developing new types of reactors will be discussed at the conference.

Insofar as the new reactor concepts merit further development, plans for possible implementation of appropriate programs on a national or international basis will be considered. Dr. Edward Teller will be honorary chairman of the conference, and a group of outstanding national and international experts is expected to attend.

Mr. President, they have attended. But there is one country that is conspicuous by their absence. That country is the Soviet Union.

In April of this year, when I joined with 11 other U.S. Senators and went to Moscow, I took a personal letter from Dr. Teller to Dr. Sakharov, the father of the Russian H-bomb and acclaimed top nuclear physicist inside of Russia. He and his wife, Yelena Bonner, expressed to me that they wanted to come to this conference. Since that time, I have written to the Soviet Union, I have been talking to the Soviet Ambassador, and yet they have not allowed Dr. Sakharov to come.

Just think: A country that is going forward with more nuclear powerplants probably than any other nation and yet they refuse to come to a conference on enhanced safety of nuclear reactors. Do they not want to learn safety from the other scientists of the world? They are the only country that has had tragic accidents where people have been killed.

Mr. President, a few days ago I spoke to this Senate and I said this, which I want to repeat again today:

Mr. President, the conference in question will address the critical issue of improved safety for nuclear reactors. What better topic—safe nuclear power for the future—for two of the greatest scientific minds to sit down and discuss than this. The subject has major ramifications for mankind.

And not just two great scientific minds, but several hundred.

Mr. President, I have provided Dr. Teller's letters to Dr. Sakharov—in person—to General Secretary Gorbachev—via our ambassador. I have spoken in person and by telephone with embassy officials. I have made a personal appeal. Unfortunately this has all been to no avail.

I am saddened that Mikhail Gorbachev is so terrified of allowing Dr. Sakharov time off, even for a few days, that he refuses this simple request. Actions speak louder than words, Mr. President, and this denial by the Soviets speaks volumes about Russia under Mr. Gorbachev. Glasnost does not seem to be real.

What a momentous occasion it would be—one truly in the spirit of Glasnost—to allow the father of America's hydrogen bomb and the father of the Soviet hydrogen bomb to come together, in peace, and work together to benefit mankind. It is indeed unfortunate and I thought my colleagues would like to know.

Mr. President, I ask unanimous consent that an introductory statement on the International Conference on Enhanced Safety of Nuclear Reactors; along with a program schedule; along with the conferees, to point out that top scientists from all over the world thought it necessary to come to Washington and the background of these scientists; also my letter to the Soviet Ambassador; Dr. Teller's letter to Mikhail Gorbachev; Dr. Teller's letter to Dr. Sakharov; and the full text of my previous remarks be printed in the RECORD.

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

INTERNATIONAL CONFERENCE ON ENHANCED SAFETY OF NUCLEAR REACTORS

The Institute for Technology and Strategic Research of The George Washington University, the U.S. Department of Energy, and the Electric Power Research Institute are sponsoring an International Conference on Enhanced Safety of Nuclear Reactors on August 9 and 10, 1988 Washington, D.C.

The growth of nuclear power in the United States is at a standstill, partly due to the widespread public perception that nuclear power plants are unacceptably hazardous. Yet, if the nation is to have an assured supply of economical electric power, and lessen the environmental problems of burning fossil fuels, including the greenhouse effect and acid rain, increased production of nuclear power is essential.

A reexamination of the need for nuclear power in the U.S. and of ways to restore public confidence in nuclear safety is timely. The continuing quest for improvements to the safety and reliability of nuclear reactors appears warranted. The manufacturers of light water reactors (the prevailing type of system worldwide, with three decades of operating experience) are developing improved designs with increased safety margins, passive safety features, and fewer mechanical components.

Several teams, in the U.S. and abroad, are developing new reactor concepts with enhanced safety features. Some of these reactors would, in principle, protect the public without relying on operator response or the operation of engineered safety equipment. The benefits and costs of improving the light water reactor designs and of devleoping new types of reactors will be discussed at the conference.

Insofar as the new reactor concepts merit further development, plans for possible implementation of appropriate programs on a national or international basis will be considered. Dr. Edward Teller will be Honorary Chairman of the Conference, and a group of outstanding national and international experts is expected to attend.

PROGRAM SCHEDULE

Tuesday, August 9

8:00 a.m.

Coffee and Pastries

8:35—Welcome and Introductions—Dean Harold Liebowitz, School of Engineering and Applied Science/GWU.

8:40—President Stephen Joel Trachtenberg, GWU.

8:45—Opening Remarks—Dr. Edward Teller, Honorary Chairman.

8:55—Administrative Comments—Mr. William O. Allen, Program Chairman.

Session I—Nuclear Power Today and Future Requirements

9:00

Moderator: Dr. Chauncey Starr.

9:15—Keynote Speaker: Dr. Bertram Wolfe

Panelists: Dr. John Ahearne, Mr. Harold A. Finger, Mr. Angelo Gadola, Mr. John E. Gray, Professor Harold Lewis.

10:10—Break.

10:30—Resume Panel Discussion.

11:20—Written Questions Directed to Panelists.

12:00—Open Discussion.

12:30—Lunch (the George Washington University Club).

Speaker: Dr. Edward Teller.

Session II—Nuclear Reactors with Enhanced Safety Features

2:00

Moderator: Dr. Herbert Kouts.

2:10—Advanced LWR: Mr. Jack DeVine. Intergral Fast Reactor: Dr. Charles E. Till.

3:20—Break.

3:40—Modular HTGR: Mr. Linden S. Blue. PLUS Reactor: Dr. Kare Hannerz. Geyser Reactor: Dr. Zsolt Revesz.

5:30—Adjournment.

6:00—Cocktails/Reception.

6:30—Banquet Dinner at The George Washington University Club.

Speaker: Dr. Dixy Lee Ray "Why Doesn't the Public See it the Way We Do?"

Wednesday, August 10

8:20 a.m.

Coffee and Pastries.

8:50—Administrative Comments—Mr. William O. Allen

Session III—Should New Reactor Types be Developed?

9:00

Moderator: Dr. Dixy Lee Ray.

Panelists: Dr. Edward Teller, Professor Norman C. Rasmussen, Dr. A. David Rossin, Dr. Frederick Seitz, Professor Miro M. Todorovich, Professor Richard Wilson.

10:40—Break.

11:00—Written Questions Directed to Panelists.

11:45—Open Discussion.

12:30—Lunch (the George Washington University Club).

Speaker: Dr. Alvin M. Weinberg.

Session IV—How Can New Reactor Types be Implemented?

2:00

Moderator: Dr. Sol Burstein

Panelists: Profesor Manson Benedict, Dr. Jay Boudreau, Mr. J. Steven Herod, Mr. John W. Landis, Mr. Yoshiaki Matsuno, Dr. Richard J. Slember.

3:40—Break.

4:00—Writen Questions Directed to Panelists.

4:30—Open Discussion.

5:00—Adjournment.

CONFIRMED ATTENDEES: AUGUST 8, 1988

David C. Acheson, Esq., Center for Strategic and International Studies.

Dr. Harold Agnew, President (Retired), GA Technologies.

Dr. John F. Ahearne, Vice President, Resources for the Future, Inc.

Dr. David Aldrich, SAIC.

Mr. Adhemar Altieri, WRCB-TV.

Mr. Jack Bagley, Battelle Memorial Institute.

Dr. C. Neil Beer, President, Thermo Electron Technologies.

Professor Manson Benedict, Massachusetts Institute of Technology.

Mr. Harold Bengelsdorf, Vice President, ERC International.

Mr. Jack Berga, Electric Power Research Institute.

Dr. Ted G. Berlincourt, U.S. Department of Defense.

Ms. Ann Bisconti, U.S. Council on Energy Awareness.

Mr. Linden S. Blue, Vice Chairman, General Atomics.

Mr. William Booth, Federal Energy Regulatory Commission.

Dr. Jay E. Boudreau, Los Alamos National Laboratory.

Mr. Carl Bretscher, Office of Representative Harris W. Fawell.

Professor Gil Brown, the University of Lowell.

Mr. Robert Bruce, Westinghouse Electric Corporation.

Dr. Sol Burstein, Vice Chairman (Retired), Wisconsin Electric Power Co.

Mr. Anthony V. Campise, Rockwell International Corporation.

Dr. Ray S. Cline, Chairman, U.S. Global Strategy Council.

Mrs. Alice Colston, Office of Management and Budget.

Mr. Don Constable, Idaho National Engineering Lab.

Ms. Mimi Conway, Writer.

Dr. Allan Crane, Office of Technology Assessment.

Dr. Garth E. Cummings, Lawrence Livermore National Laboratory.

Mr. Joseph Dahlheimer, Westinghouse Electric Corporation.

Colonel Joseph de Sutter, Office of Science Advisor to the President.

Dr. Richard A. Dean, Senior Vice President, General Atomics.

Mr. Jack DeVine, Electric Power Research Institute.

Mr. Thomas Di Fransico, Burns & Roe.

Mr. Paul R. Dickinson, Lawrence Livermore National Laboratory.

Mr. Octave J. DuTemple, Executive Director, American Nuclear Society.

Dr. Maurice A. East, Dean, School of International Affairs, the George Washington University.

Mr. Edgar Edelsack, Consultant.

Dr. Chester Ehrman, Burns & Roe.

Dr. Donald Erb, U.S. Department of Energy.

Mr. Harold Finger, President, U.S. Council on Energy Awareness.

Mr. Edward Flynn, Combustion Engineering.

Mr. Wayne Fowler, President, Concord Nuexco International Trade Company.

Mr. William A. Frederick, Pennsylvania Power and Light.

Dr. Roderick S. French, Vice President for Academic Affairs, the George Washington University.

Ms. Aviva Freudmann, Energy Daily.

Mr. Angelo Gadola, ENEL (Italy).

Mr. David Gagner, S&W Associates.

Mr. Wayne Gagner, S&W Associates.

Dr. D. Clark Gibbs, Rockwell International Corporation.

Mr. Dan Diessing, U.S. Department of Energy.

Mr. Joseph Giglio, Westinghouse Electric Corporation.

Mr. Simcha Golan, Bechtel National, Inc.

Mr. Carl Goldstein, Vice President, U.S. Council on Energy Awareness.

Mr. John Graham, Washington Correspondent, Nuclear News.

Mr. John E. Gray, President, ERC International.

Dr. Kare Hannerz, ABB-ATOM.

Mrs. Margaret Hansen, The George Washington University.

Mr. Wayne Hardie, Los Alamos National Laboratory.

Mr. Gary E. Hedrick, Duke Power Company.

Mr. J. Steven Herod, Director, Office of Electric Power Regulation, Federal Energy Regulatory Commission.

Mr. Lawrence Hoffman, SAIC.

Dr. Harold Jaffe, Director, Office of International Research and Development Policy, U.S. Department of Energy.

Mr. William D. Johnson, Provost, the George Washington University.

Mr. John E. Jones, Jr., Oak Ridge National Laboratory.

Dr. O'Dean P. Judd, Chief Scientist, SDIO/Pentagon.

Mr. Richard E. Kahler, Texas Utilities Generating Co.

Professor William Kastenberg, University of California at Los Angeles.

Dr. Hugh Kendrick, SAIC.

Ms. Stacy Kluckman, the George Washington University.

Dr. Herbert Kouts, Brookhaven National Laboratory.

Mr. George E. Kulynych, Babcock & Wilcox.

Mr. John Landis, Senior Vice President, Stone and Webster Engineering Corporation.

Mr. Ralph Landry, U.S. Nuclear Regulatory Commission.

Dr. Carl J. Lange, Vice President for Administration and Research, the George Washington University.

Dr. Peter M. Lang, U.S. Department of Energy.

Mr. William Lanouette, Harvard University.

Mr. Milton Levenson, Bechtel Power Corporation.

Professor Harold Lewis, University of California.

Mr. Robert Livingston, U.S. Council on Energy Awareness.

Dr. Harold Liebowitz, Dean, School of Eng. and Applied Science, the George Washington University.

Professor John M. Logsdon, the George Washington University.

Ms. Suzanne Maia, Tokyo Electric Power Company.

Mr. Yoshiaki Matsuno, Power Reactor and Nuclear Fuel Development Corporation.

Mr. David J. McGoff, Associate Deputy Assistant Secretary for Reactor Deployment, U.S. Department of Energy.

Mr. James P. McGranery, Jr., Scientists and Engineers for Secure Energy.

Dr. Peter E. McGrath, Vice President, SAIC.

Mr. Nelson Milder, Technical Consultant, House Committee on Science and Technology.

Mr. Hugh H. Miller, Consultant.

Mr. Loring Mills, Vice President, Edison Electric Institute.

Dr. Alan A. Moghissi, President, Institute for Regulatory Science.

Dr. Dominic Monetta, U.S. Department of the Navy.

Dr. Peter Murray, Westinghouse Electric Corporation.

Dr. Charles Newstead, U.S. Department of State.

Mr. A.J. Neylan, General Atomics.

Dr. Richard Oldenkamp, Rockwell International Corporation.

Mr. Akiar Omoto, Tokyo Electric Power Company.

Ms. Janice Owens, ERC International.

Dr. Joseph Penland, SAIC.

Mr. Bill Perkins, Potomac Communications Group.

General Bryce Poe, II (USAF ret.).

Dr. Leslie Ramsey, Science Concepts, Inc.

Professor Norman C. Rasmussen, Massachusetts Institute of Technology.

The Honorable Dixy Lee Ray.

Mr. Dan Reicher, Natural Resources Defense Council.

Dr. Zsolt Revesz, Associated Consulting Engineers.

Dr. Hiroshi Rindo, Power Reactor and Nuclear Fuel Development Corporation.

Ms. Kitty Rising, Technical Consultant, House Committee on Science and Technology.

Mr. Louis H. Roddis, Consultant.

Dr. Thomas P. Rona, Deputy Director, Office of Science and Technology Policy.

Dr. A. David Rossin, Consultant.

Professor Sam Rothman, the George Washington University.

Mr. Toichi Sakata, First Secretary, Embassy of Japan.

Dr. Robert Schleicher. General Atomics.

Mr. Jim Scott, Los Alamos National Laboratory.

Professor Robert Seale, University of Arizona.

Mr. Heinz Seipel, Science Counselor, Embassy of the Federal Republic of Germany.

Dr. Frederick Seitz, President Emeritus. Rockfeller University.

Dr. Igal Shidlovsky, Siemens Corporate Research and Support, Inc.

Dr. Richard J. Slember, Vice President, Westinghouse Electric Corporation.

Mr. Bruce Slifer, Yankee Atomic Electric Power.

Dr. Richard R. Smith, Argonne National Laboratory.

Dr. Henry Solomon, Dean, Graduate School of Arts and Sciences, the George Washington University.

Mr. Herschel Specter, New York Power Authority,

Dr. Chauncey Starr, President Emeritus, Electric Power Research Institute.

Mr. James F. Strother, the Institute of Electrical and Electronics Engineers.

Dr. Edward Teller, University of California.

Mr. Hiromi Terada, Japan Atomic Energy Research Institute.

Dr. Robert Thorn, Los Alamos National Laboratory.

Dr. Charles E. Till, Associate Laboratory Director, Argonne National Laboratory.

Professor Miro Todorovich, Scientists and Engineers for Secure Energy.

Dr. Donald B. Trauger, Oak Ridge National Laboratory,

Mr. Louis Ventre, Jr., Counsel, House Committee on Science and Technology.

Mr. Gary Vine, Electric Power Research Institute.

Mr. Vincent A. Walker, EBASCO Services, Inc.

Dr. Alan E. Waltar, Westinghouse Hanford Company.

Dr. David Ward, Savannah River Laboratory.

Ms. Anita Webb, Philadelphia Electric Corp.

Dr. Alvin M. Weinberg, Institute for Energy Analysis.

Mr. Carl J. Weinberg, Pacific Gas & Electric.

Ms. Danialle Weaver, Nucleonics Week.

Mr. Scott Wiley, President, Copeland, Wickersham, Wiley & Co.

Mr. Theodore Wilkinson, III, United States Department of State.

Mr. Jerry N. Wilson, U.S. Nuclear Regulatory Commission.

Professor Richard Wilson, Harvard University.

Dr. Bertram Wolfe, Vice President, General Electric Company.

Mr. Takao Yagi, Power Reactor and Nuclear Fuel Development Corporation.

Dr. Rosalyn S. Yallow, Bronx V.A. Medical Center.

Dr. John Ahearne: Dr. Ahearne is vice president and senior fellow of Resources for the Future, an independent nonprofit organization specializing in natural resources, energy, and the environment. He received his Ph.D. in physics from Princeton University. Dr. Ahearne was a commissioner of the U.S. Nuclear Regulatory Commission, 1978–83, and was chairman, 1979–81. He has also served as deputy assistant secretary at DOD and deputy assistant secretary at DOE. Dr. Ahearne is chairman of the DOE Advisory Committee on Nuclear Facility Safety and chairman of the National Research Council Committee on Risk Perception and Communication.

Professor Manson Benedict: Dr. Benedict is Institute Professor Emeritus at Massachusetts Institute of Technology, where he served as first head of the Nuclear Engineering Department. He received a Ph.D. in chemistry from MIT and was in charge of the process design of the gaseous diffusion uranium enrichment plant at Oak Ridge during World War II. Dr. Benedict was a member and chairman of the General Advisory Committee of the Atomic Energy Commission and was a member of the Advisory Committee on Reactor Safeguards. He was president of the American Nuclear Society 1962–63. Dr. Benedict is a member of the National Academy of Sciences and the National Academy of Engineering.

Mr. Linden S. Blue: Mr. Blue is vice chairman of General Atomics. Prior to his present position, he was president and chief executive officer of Beech Aircraft Corporation, managing director of Lear Fan Limited, executive vice president of Gates Learjet Corporation, and councilman-at-large for the City of Denver. Mr. Blue received a B.A. from Yale and attended the Advanced Management Program of Harvard Business School. He is a trustee of the Hudson Instiute.

Dr. Jay E. Boudreau: Dr. Boudreau is a staff member in the Space Systems Office at the Los Alamos National Laboratory. Over the past 16 years he has held the positions of alternate group leader, group leader, program manager, and deputy associate director for nuclear programs. Dr. Boudreau worked on the U.S. Senate Three Mile Island Investigation and with the U.S. Office of Management and Budget. He received a B.S., M.S., and Ph.D. in engineering from the University of California at Los Angeles.

Dr. Sol Burstein: Dr. Burstein retired in January 1988 as vice chairman of Wisconsin Electric Power Co. and vice president and director of Wisconsin Energy Corporation. He had served as an officer since 1966. Prior to joining Wisconsin Electric, Dr. Burstein spent 18 years with Stone & Webster Engineering Corporation. He has been chairman of the Environment Committee of the association of Edison Illuminating Companies and member or chairman of the EPRI Nuclear Division Committee. Dr. Burstein is a member of the National Academy of Engineering. He is a mechanical engineering graduate of Northeastern University and was awarded the honorary Doctor of Science degree by the University of Wisconsin in 1987.

Mr. Jack DeVine: Mr. DeVine is senior program manager for the Advanced Light Water Reactor Program at the Electric Power Research Institute (EPRI). He graduated from the U.S. Naval Academy in 1965 and was assigned to nuclear submarines. Mr. DeVine joined General Public Utilities in 1970 and was assigned to the Three Mile Island recovery work following the accident in 1979. He later served as recovery engineering director and as technical planning director. Mr. DeVine was assigned to EPRI in 1986.

Mr. Harold B. Finger: Mr. Finger is president and chief executive officer of the U.S. Council for Energy Awareness. He received a B.S. in mechanical engineering from City College of New York and a M.S. in aeronautical engineering from Case Institute of Technology. Mr. Finger was with NASA and its predecessor until 1969, where he directed space nuclear systems for NASA and the AEC, and later was associate administrator for Organization and Management. He was assistant secretary of the U.S. Department of Housing and Urban Development for three years. Mr. Finger was an executive in energy systems and strategic planning for General Electric from 1972 to 1983, when he assumed his present position.

Mr. Angelo Gadola: Mr. Gadola received a degree in electrical engineering from the Politecnico di Milano (Italy) in 1955. He has 31 years of experience in nuclear power and has been involved in the design and licensing of the Latina, Garigliano, Trino Vercellese, Caorso and Creys Malville Nuclear Power Plants. Mr. Gadola, with ENEL, was responsible for safety and licensing of the PUN project.

Mr. John E. Gray: Mr. Gray is president and chief operating officer of ERC International, a NYSE firm providing technical services to the defense, space, energy, environmental, biomedical, and information systems markets. He was a member of the DOE ERAB New Production Reactor Technology Assessment Panel and is a member of the U.S. Committee of the World Energy Conference. Mr. Gray was chief executive officer of NUS Corporation from 1960 to 1972. He earned a B.S. degree in chemical engineering from the University of Rhode Island.

Dr. Kare Hannerz: Dr. Hannerz received a M.S. in chemical engineering and a Ph.D. in physical chemistry from the Royal Institute of Technology in Sweden. He joined AB Atomenergi (later ASEA-ATOM, now ABB ATOM AB after recent merger with Brown Boveri) in 1952. After work on isotope separation, gamma ray dosimetry, fuel engineering and advanced LWR design, Dr. Hannerz developed the proposed concept for the final disposal of unreprocessed spent fuel officially adopted by Sweden. He then developed the SECURE and PIUS reactor concepts.

Mr. J. Steven Herod: Mr. Herod is director of the Office of Electric Power Regulation at the Federal Energy Regulatory Commission. He received a B.S. in electrical engineering from Vanderbilt University and an M.B.A. from Harvard University. From 1969 to 1974, he was with the Power Systems Marketing Division of General Electric, and from 1976 to 1978, he was director of financial analysis with Energy and Environmental Analysis, Inc. Mr. Herod held economic policy-making decisions with the Department of Energy during 1978 to 1987.

Dr. Herbert Kouts: Dr. Kouts recently retired as chairman of the Department of Nuclear Energy at Brookhaven National Laboratory, where he continues as a senior physicist. He received a B.S. in mathematics and a M.S. in physics from Louisiana State University, and a Ph.D. in physics from Princeton University. Dr. Kouts was with Brookhaven from 1950 to 1973 where he headed reactor shielding, experimental reactor physics, and nuclear materials safeguards groups. He was director of reactor safety research and regulatory research for the AEC and NRC from 1973 to 1976. Dr. Kouts returned to Brookhaven in 1976. He is a member of the National Academy of Engineering.

Mr. John W. Landis: Mr. Landis is senior vice president and director of Stone and Webster Engineering Corporation. Prior to his current position, he was president of Gulf General Atomic and manager of the Atomic Energy Division of Babcock & Wilcox. He has been president of the American National Standard Institute (ANSI) and the American Nuclear Society. Mr. Landis is chairman of the Board of Trustees of Randolph-Macon Women's College, chairman of the U.S. Environmental Protection Committee of the World Energy Conference, president of the American Society for Macro-Engineering, and vice chairman of the DOE Energy Research Advisory Board.

Dean Harold Liebowitz: Dr. Liebowitz is professor of engineering and applied science, dean of the School of Engineering and Applied Science, and cofounder (with Edward Teller) and director of the Institute for Technology and Strategic Research, The George Washington University. He also founded and directs three additional research institutes at GWU. Dr. Liebowitz earned his doctoral degree in aeronautical engineering from the Polytechnic Institute of Brooklyn. Prior to joining GWU in 1968, he served as head of the Structural Mechanics Branch of the Office of Naval Research. Dr. Liebowitz is a member of the National Academy of Engineering.

Professor Harold Lewis: Dr. Lewis, a professor of physics at the University of California at Santa Barbara, is a member of the NRC Advisory Committee on Reactor Safeguards and the DOE Advisory Committee on Nuclear Facility Safety. He was a member of President Carter's Nuclear Safety Oversight Committee and was chairman of the Risk Assessment Review Committee for the NRC. Professor Lewis achieved national fame as chairman of the American Physical Society Study of Light Water Reactor Safety.

Mr. Yoshiaki Matsuno: Mr. Matsuno has been director of the Reactor Development Coordination Division of Power Reactor and Nuclear Fuel Development Corporation (PNC) since 1985. He received degrees in applied mathematics and physics from Tokyo University and the Technical University of Vienna. After 13 years of research in reactor physics, Mr. Matsuno joined PNC in 1973 to work on the JOYO experimental fast reactor. Prior to his present position he was director of the Experimental Fast Reactor Division. Mr. Matsuno has represented Japan on the IAEA International Working Group on Fast Reactors since 1979.

Professor Norman C. Rasmussen: Dr. Rasmussen is professor of nuclear engineering at the Massachusetts Institute of Technology. He received a Ph.D. in physics from MIT in 1956 and then joined the Physics Department there. In the mid-1960's he began work in nuclear power reactor safety, and from 1972 to 1975 he directed the first detailed probabilistic risk analysis of nuclear power plants (WASH-1400). He continues to work on risk analysis and is a consultant to government and industry. In 1982 Professor Rasmussen was appointed by President Reagan to the National Science Board. He is a member of the National Academy of Sciences and the National Academy of Engineering.

Dr. Dixy Lee Ray: Dr. Ray was Governor of the State of Washington, 1977-81; chairman of the U.S. Atomic Energy Commission, 1972-75; assistant secretary at the U.S. Department of State in 1975; and associate professor of zoology at the University of Washington. She earned a Ph.D. at Stanford University and has been awarded honorary doctoral degrees by 21 universities and colleges.

Dr. Zsolt Revesz: Dr. Revesz received his education in mechanical engineering and systems engineering at the Technical University of Budapest, Hungary. He moved to Switzerland in 1975 and earned a doctorate in 1980 with a dissertation on computational flow modeling in a heat exchanger. Dr. Revesz founded the Swiss Section of the American Nuclear Society in 1985 and has been acting as its secretary since then.

Dr. A. David Rossin: Dr. Rossin formed A.D. Rossin and Associates in 1987 to consult for management. He served as DOE Assistant Secretary for Nuclear Energy during 1986-87. Dr. Rossin directed the Nuclear Safety Analysis Center at EPRI from 1981 to 1986. Prior to 1981, he was with Commonwealth Edison Co. in Chicago for ten years, finally as director of research. At Argonne National Laboratory, 1955-72, he served on and chaired the laboratory's Reactor Safety Review Committee. Dr. Rossin received a B.S. in engineering physics from Cornell, M.S. in nuclear engineering from MIT, and Ph.D. in metallurgy from Case-Western Reserve.

Dr. Frederick Seitz: Dr. Seitz is president emeritus of the Rockefeller University and a former president of the National Academy of Sciences. He has held key government posts over three decades. From 1978 to 1983 he was vice chairman of the board of trustees of the Memorial Sloan-Kettering Cancer Center. Dr. Seitz received a Ph.D. degree in physics from Princeton University and served on the faculties of the University of Pennsylvania, the Carnegie Institute of Technology, and the University of Illinois. His textbooks on solid state physics are classics.

Dr. Richard J. Slember: Dr. Slember is vice president and general manager of the Energy Systems Business Unit at Westinghouse Electric Corporation, which includes six divisions and more than 7,000 employees. He received a B.S. in mechanical engineering from Cooper Union and an M.S. and Ph.D. in mechanical engineering from the University of Pittsburgh. Dr. Slember began his career at the Bettis Atomic Power Laboratory and progressed through management at other Westinghouse sites at Waltz Mill, Oak Ridge and Hanford. Prior to his current position, he headed the Westinghouse Nuclear Fuel Business Unit.

Dr. Chauncey Starr: Dr. Starr was founding president and vice chairman of the Electric Power Research Institute. He is now president emeritus. From 1967 to 1973, he was dean of the UCLA School of Engineering and Applied Science, following a 20-year industrial career, during which he was vice president of Rockwell International and president of its Atomics International Division. Dr. Starr received a B.S. in electrical engineering and Ph.D. in physics from Rensselaer Polytechnic Institute. He is a member and past vice president of the National Academy of Engineering, and a founder and past president of the American Nuclear Society.

Dr. Edward Teller: Dr. Teller, associate director emeritus at Lawrence Livermore National Laboratory and senior research fellow at the Hoover Institution, cofounded the Institute for Technology and Strategic Research at The George Washington University in 1987 and is its honorary director. He received his Ph.D. degree in physics from the University of Leipzig in 1930 and was appointed professor of physics at The George Washington University in 1935. Dr. Teller was at Los Alamos during and after World War II where he advocated research on the thermonuclear weapons. He helped establish Lawrence Livermore National Laboratory in 1952 and continued there in an active role until he retired in 1975. Dr. Teller was chairman of the first Advisory Committee on Reactor Safeguards and later served on many advisory committees. In 1982 he was appointed to the White House Science Council.

Dr. Charles E. Till: Dr. Till, associate laboratory director of Argonne National Laboratory, directs all Engineering Research Divisions, which total over half of Argonne's research effort. He received a Ph.D in nuclear engineering from the Imperial College, University of London. Dr. Till has worked on a variety of nuclear reactor concepts, and since coming to Argonne in 1963, has been deeply involved in development of the fast breeder reactor. He has led the development of the Integral Fast Reactor (IFR) from its conception.

Professor Miro M. Todorovich: Professor Todorovich, past chairman of the Department of Physics at the Bronx Community College of the City University of New York, began his career as a philosopher. In 1969 he cofounded, with philosopher Sidney Hook, the University Centers for Rational Alternatives. In 1976 Professor Todorovich cofounded Scientists and Engineers for Secure Energy and serves as its Executive Director.

President Stephen Joel Trachtenberg: Mr. Trachtenberg is president of The George Washington University. Prior to joining GWU on August 1, he served as president and professor of law and public administration at the University of Hartford. President Trachtenberg received a J.D. from Yale University and a Master of Public Administration from Harvard University. Prior to joining academe, President Trachtenberg served in various government posts, including the Department of Health, Education and Welfare and the Atomic Energy Commission.

Dr. Alvin M. Weinberg: Dr. Weinberg received B.S., M.S. and Ph.D. degrees in physics at the University of Chicago and joined the original group that developed the first nuclear reactor at Stagg Field. He was research director and then director of Oak Ridge National Laboratory from 1948 to 1973. From 1975 to 1985 he was director of the Institute for Energy Analysis of the Oak Ridge Associated Universities, where he played a major role in alerting the nation to the greenhouse effect and the need to develop nuclear reactors with passive safety features. Dr. Weinberg is a member of both the Naitonal Academy of Sciences and the National Academy of Engineering.

Professor Richard Wilson: Dr. Wilson, Mallinckrodt Professor of Physics at Harvard University, received his B.A., M.A., and D. Phil. in physics from Christ Church, Oxford University. Professor Wilson has been teaching at Harvard since 1955, and has held summer or visiting positions in teaching or research at many universities worldwide. He was assistant editor of Annals of Physics 1956-84, and has been a consultant to the NRC, EPRI, Oak Ridge, Los Alamos and Livermore. Professor Wilson was chairman of the American Physical Society Study Group on Radiological Consequences of Nuclear Power Plants.

Dr. Bertram Wolfe: Dr. Wolfe is vice president and general manager of GE Nuclear Energy, responsible for all GE activities in the nuclear power industry. He received a B.A. in physics from Princeton University and Ph.D. in physics from Cornell University. Essentially all of his professonal career has been at GE in nuclear power, from reactor design to fuel to waste management. Dr. Wolfe is a member of the National Academy of Engineering, a former president of the American Nuclear Society, and member of the board of several nuclear industry groups.

U.S. SENATE,
Washington, DC, July 12, 1988.

His Excellency YURIY DUBININ,
Union of Soviet Socialist Republics, Office of the Embassy, Washington, DC.

DEAR YURI: Recently, while attending a reception at the Russian Embassy, I delivered an informal packet to your chief aide with respect to an upcoming international conference on nuclear reactor safety. The purpose of providing you with this information is to seek the Russian Government's permission for Dr. Andrei Sakharov to travel to the United States for this event.

During my visit to the Soviet Union this past April, I visited with Dr. Sakharov and his wife, Ylena Bonner. On that occasion, I delivered a letter from Dr. Edward Teller, the noted American physicist, in which he invited Dr. Sakharov to travel to the United States for this conference, being conducted by the Institute for Technology and Strategic Research. Dr. Teller sincerely believes that the presence of such a noted, distinguished academician as Dr. Sakharov would be an important contribution not only to this event, but to the overall nuclear debate.

The improvement in relations between the United States and the Soviet Union are the highlight of domestic and international discussions. Permitting Dr. Sakharov to attend this conference, bringing together two of the world's most distinguished scientists, would show the world that our two countries are serious about peaceful coexistence and finding answers to the nuclear question.

Since presenting this information to your aide, I hope you have had the opportunity to convey my request to the Soviet leadership and that a positive decision will be forthcoming. I will be calling you within the next few days to further discuss this issue. I am sincerely hopeful that we can bring these two great minds together for the benefit of all mankind, and thank you for your attention to this very important request.

Sincerely,

CHIC HECHT.

GEORGE WASHINGTON UNIVERSITY,
Washington, DC, March 23, 1988.

Mr. MIKHAIL GORBACHEV,
General Secretary of the Central Committee, Communist Party of the Soviet Union, Kremlin, Moscow, U.S.S.R.

DEAR MR. CHAIRMAN: Of the many changes you introduced, one was of particular importance. It was to make it possible for Andrei Sakharov to return to Moscow and resume his work. I am sure that the whole of the American scientific community has been deeply impressed by this decision.

If Academician Sakharov were allowed to travel and visit with his many admirers in the scientific community, of which I am one, a further important step would have been taken in the process of openness. In this regard, I am sending Academician Sakharov the attached letter inviting him to attend a meeting in the United States on safe nuclear reactors.

I believe that openness is of particularly great help in an approach to mutual confidence, stability, and peace. It is for this reason that I have asked Senator Hecht to carry this letter to Moscow.

Sincerely,

EDWARD TELLER.

GEORGE WASHINGTON UNIVERSITY,
Washington, DC, March 23, 1988.

Dr. ANDREI SAKHAROV,
The U.S.S.R. Academy of Sciences, Leninskiy Prospekt 14, Moscow.

DEAR ACADEMICIAN SAKHAROV: A letter from the President of The George Washington University was sent to you a few weeks ago inviting you to a conference on reactor safety. Indeed, the Institute for Technology and Strategic Research will organize such a conference and your presence would be of the greatest possible value. The immediate interest is connected with your suggestion about locating nuclear reactors underground. I believe in this proposal and believe it is of great importance to the U.S.S.R., to the U.S., and to the whole world. In a more general way, I also believe that discussing specific technical problems can bring scientists more closely together and will serve as a good introduction to approaching more difficult general questions connected with war and peace.

I have a great personal interest in meeting you. Several reasons (particularly including my age and my health) make it practically impossible for me to visit you, but I still can travel in the United States.

I should be most happy with an understanding that all of our conversations should be completely open, that is, that they should be accessible in all details to everybody. A clear understanding of this circumstance may make it particularly easy for us to talk on a common basis—first on some special technical problems and later, if you wish, some more general problems. I could be available to you for a few days on the East Coast of the United States and, in addition, for almost any length of time on the West Coast.

If you are able to visit the United States, I am sure that there will be literally thousands of scientists and other eminent people who would be eager to see you. I am merely one of them.

It would be a particularly great pleasure if your wife could join you and we could continue our conversation.

Sincerely,

EDWARD TELLER.

STATEMENT OF SENATOR HECHT

Mr. President, I feel I must rise today to express my frustration and, quite honestly, my dismay at the recent actions of the Soviet Union which run contrary to their avowed policy of Glasnost. Mr. President, earlier this year, I met with Dr. Andrei Sakharov in Moscow. During that very moving occasion, I delivered a letter to him from Dr. Edward Teller, America's noted physicist. The letter I carried extended an invitation to Dr. Sakharov to visit the United States this August and attend an upcoming international conference on nuclear reactor safety, which will be conducted by the George Washington University's Institute for Technology and Strategic Research here in Washington.

I am happy to report to the Senate that Dr. Sakharov graciously accepted this invitation and expressed his sincere desire to attend. Upon my return to Washington, and over the past few months, I have acted as an intermediary with the Soviet embassy to work out an arrangement whereby Dr. Sakharov would be allowed to come to America, for a few days in August, participate in this international event, and return to Moscow.

As this body and America knows, Mr. President, the Soviet government has in the past refused to allow Dr. Sakharov to travel outside of Russia. Unfortunately, it appears they have not changed their mind. Not withstanding all my efforts—which have been fully in keeping with Glasnost—as of yesterday, the Soviet Union will not allow Dr. Sakharov to accept the invitation of Dr. Teller.

Mr. President, I am perplexed by Soviet behavior. Over the past year, we have heard nothing but the coming of a new age with the advent of Glasnost and Perestroika. I can report to the Senate that even I, who have watched the Soviet Union with a very suspicious eye, was optimistic that an arrangement could be worked out. Indeed, the Soviets gave me every reason to be optimistic.

In the end, it appears the Soviets are better at keeping false hopes alive than desiring to change rigid policies. Glasnost is really just for show, without much credibility. If the Soviet Union were truly interested in demonstrating in good faith to the world, that it wishes to be an international partner, why is it afraid to allow Dr. Sakharov to leave even for just a few days? It's hard to figure out.

Mr. President, the conference in question will address the critical issue of improved safety for nuclear reactors. What better topic—safe nuclear power for the future—for two of the greatest scientific minds to sit down and discuss than this. The subject has major ramifications for mankind.

Mr. President, I have provided Dr. Teller's letters to Dr. Sakharov—in person—to General Secretary Gorbachev—via our ambassador. I have spoken in person and by telephone with embassy officials. I have made a personal appeal. Unfortunately this has all been to no avail.

I am saddened that Mikhail Gorbachev is so terrified of allowing Dr. Sakharov time off, even for a few days, that he refuses this simple request. Actions speak louder than words, Mr. President, and this denial by the Soviets speaks volumes about Russia under Mr. Gorbachev. Glasnost does not seem to be real.

What a momentous occasion it would be—one truly in the spirit of Glasnost—to allow the father of America's hydrogen bomb and the father of the Soviet hydrogen bomb to come together, in peace, and work together to benefit mankind. It is indeed unfortunate and I thought my colleagues would like to know.

NATIONAL CRITICAL MATERIALS POLICY

Mr. REID. Mr. President, yesterday I rose to address this body about the need to develop a national critical materials policy. I described how this Nation is dependent on several unstable, foreign sources of supply for four critical metals; chromium, cobalt, magnesium and the platinum group. Without these metals, this Nation's economic and military machinery literally cannot survive.

There are many ways to ensure an adequate supply of these materials and yesterday I outlined three; namely, research and development, stockpiling, and increasing the supply of the countries around South Africa.

But I, frankly, do not feel comfortable developing these kinds of policy options without more input. As a Sen-

ator, I can see that without clear policy alternatives and executive branch leadership in the area of critical materials, our Nation will suffer. However, my expertise is in the legislative process, not metals and materials. What I need, and what this Congress needs, is to be presented with policy options developed by experts that we can debate and support. Such a policymaking body currently exists within the White House, although my colleagues would never know it.

Recognizing the need to coordinate materials policy, Congress passed the National Critical Materials Act of 1984. This act established the National Critical Materials Council within the Executive Office of the President. Among other duties, this council is charged with the "Coordination of critical materials policies, including all facets of research and technology, among the various agencies and departments of the Federal Government and then to make recommendations for the implementation of such policies."

Over 4 years ago, the National Critical Materials Council was given a mandate to direct the Federal Government's critical materials' policy. But during this 4 years this Council has been inactive, to say the least. Not until 16 months after the President signed the National Critical Materials Act into law did he appoint the Council's first three members. But within 2 months of their appointment, two of the members, including the Chairman, resigned. It was not until 9 months after this time—over 2 years after the establishment of the Council—that Secretary of the Interior Hodel was assigned to chair the Council.

The National Critical Materials Council is also authorized to hire 12 staff—it has only 3. The National Critical Materials Council is required to produce reports. To date, none of these reports, not a single one, has been produced. And only last month, Chairman Hodel, of the National Critical Materials Council, asked Congress not to reauthorize it beyond 1990. This recommendation ranks with Secretary Hodel's ray ban plan. I am sure we all remember this plan. It was his suggestion for countering ozone depletion. He suggested people protect themselves from increased ultraviolet radiation by making wider use of hats, sunglasses and sunscreening lotions.

As with environmental policy, he does not seem to realize just how serious materials policy is to this Nation. He believes his Council of three can somehow be the equivalent of an industrial policy. This notion is ridiculous on its face and ignores the real issue. Critical materials—steel, cobalt, advanced ceramics and superconductors—are the materials that will be key to the economic success of this Nation in the next century. This Nation must be the leader in these areas or sacrifice its position as the world's leading economic power. The United States needs the National Critical Material Council to coordinate Government policy; act as a liaison between Government, industry and academia; and collect and distribute information.

I have long recognized that the administration does not take the existence or the role of the Council seriously. This is so despite strong congressional and private sector support. Last year, during debate on the omnibus trade bill, I offered an amendment intended to strengthen the Council and force it to carry out its mandate. This amendment passed without a single dissenting vote and was retained in the new trade bill approved by the Senate last week.

I had hoped this congressional action would have persuaded the Council to actively strive to obey its enabling legislation. This Senator welcomes such activism. Strategic and critical materials policy is badly in need of coordination and White House support. This Nation's security and industrial future relies upon the supply and application of strategic and critical materials. Continuing to allow strategic and critical materials policy to drift aimlessly in a sea of ideology is irresponsible. This appears to be the option favored in the waning days of the current administration. But the issue will not go away. It cannot. This country's future literally depends on a national policy relating to critical materials. So I intend to ensure that that National Critical Materials Council plays a vital, policymaking role during the next administration.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, morning business is about to expire, I believe.

I ask unanimous consent the period for morning business be extended, 5 minutes for Mr. CHAFEE; 5 minutes for Mr. EXON.

Mr. EXON. May I have 7 minutes?

Mr. BYRD. We are limiting it to 5 minutes. I will yield the Senator 2 minutes out of my time.

So, if we extend morning business for 10 minutes and the Republican leader has his time reserved——

Mr. DOLE. Mr. President, I yield 5 minutes of my time to the Senator from Rhode Island.

Mr. BYRD. Very well. And then 5 minutes to Mr. EXON and 2 minutes of my time and then I ask that morning business be closed.

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

The Senator from Nebraska.

(The remarks of Mr. EXON pertaining to the introduction of legislation are printed later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Rhode Island.

SEEKING MENTAL HEALTH ASSISTANCE

Mr. CHAFEE. Mr. President, the outcry for Governor Dukakis to reveal his medical records has an ominous overtone.

One cannot argue with the propriety of the public's right to know the physical and mental history, and the general health of our Presidential candidates. That is right. That ought to be done. But to suggest that there is something shameful, even bordering on the sinister, for a candidate to have had "counseling" is totally unfair to countless Americans who have sought help, or who ought to seek help, in overcoming difficult personal problems.

We are not in the dark ages! We are in contemporary America where millions of our young people are battling with low self-esteem, are struggling for guidance in households with only one parent, usually weary and exhausted. These young people are beset by peer pressures beyond those most adults ever knew. Ours is a country where teen suicides are close to epidemic proportions. This is the very time we ought to be doing all we can to encourage counseling—not disparage it.

It is no stigma for any adolescent, or any adult, to have used the help of a psychiatrist, a psychologist or any other counselor.

Anyone, who has ever had to deal with a loss or setback, knows the importance of having support from wherever it is available. Sometimes the support of family and friends is what is needed; at other times that is not enough. In the course of a lifetime, one faces many difficult, sometimes devastating, situations. The loss of a job, a major financial setback, a broken relationship, a family member involved in substance abuse, the death of a child, or being the victim of a crime—these are all situations that can cause a person extreme inner pain and anxiety. To suggest that someone needing help, in attempting to cope with a significant problem, would decide not to seek such help because of a fear of how it would be perceived, is dismaying.

A healthy body is not enough. To be successful, a healthy mind and positive attitude are also critical. If a person has a broken leg, it is not a sign of weakness to go to a doctor, have it set and put in a cast, let it heal and then build up its strength through exercise and rehabilitation. The same is true for a person facing a crisis in his

or her life. It is not a sign of weakness to seek help in identifying and dealing with the problem, working it through and then building up the strength to solve or accept it.

There is no sign of weakness in either case—just a commonsense recognition that in order to carry on, a healing process must take place.

Attaching a negative connotation to seeking mental health assistance has a chilling effect on any individual. Imagine a young person, in the midst of a crisis in his or her life, afraid to seek help because it may be perceived by a future employer as a sign of weakness. Imagine potential future leaders in this country deciding not to run for public office because they have sought help in the past and are afraid it will be exposed. The irony is that these young people may be better adjusted, have a healthier outlook on life, and be in a better position to make intelligent and good decisions precisely because they sought help in the past.

Mr. President, the approved search for help should not be restricted to those who write to "Dear Abby."

As a nation it is right that we spend millions of Federal dollars on assisting mental health services. Medicaid pays for such help, and just this year, we increased the allowance for those services under Medicare. How self-defeating it would be to say that those who avail themselves of such assistance must thereafter be considered under a dark cloud.

We recognize there are certain restrictions on attaining the Presidency—one must be over 35 years of age and be a U.S. citizen. Let us not add to these the sworn pledge that the candidate has never have had counseling. That is not good for our Nation. I want to thank the Chair.

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.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 7 minutes and Senators may speak therein.

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

The Senator from Iowa.

PLENTY OF EXCUSES, BUT NO SOLUTIONS

Mr. GRASSLEY. Mr. President, over this past weekend, I was interested to read about a tour of the District of Columbia correctional facility located in Lorton, VA.

The tour of the facility was made by the Mayor of the District of Columbia, Marion Barry.

The inspection of the facility was apparently, at least in part, in response to an order by Federal District Judge June L. Green to have the District's Government reduce the number of inmates at Lorton due to overcrowding in the facility's central prison.

This court order is another in a series—that is about a decade-long—regarding the allowable prison population cap at Lorton.

The Saturday editions of the Washington Post carried a headline for this story that read "Barry Blames Reagan for Prison Crisis."

During his tour of the Lorton facility, Mr. Barry is reported to have stated that Lorton's overcrowding and the District's drug problem are due to the Reagan administration's inability to stop the flow of drugs into the country.

Mr. President, I suggest that the Mayor of the District of Columbia should put his own house in order, before he looks to blame others for conditions his administration has failed to control.

I give this admonition because the same Saturday editions of the Washington Post reported that a district prison guard—recently recommended for a raise and a promotion by the Barry administration—has been arrested and charged with possession of cocaine, with the intent to distribute it in the Lorton correctional facility.

This incident parallels others in which the District has hired individuals with criminal records to be police officers. In addition, the District's early release program has allowed about 2,900 criminals—many convicted of drug offenses—back onto the District's streets.

If the District is going to allow people with criminal records to be police officers, and if it is going to allow those convicted of drug offenses out on its streets, then it is going to have a crime problem it cannot blame on anyone—least of all the President.

Mr. Barry is also a bit disingenuous when he blames the Federal Government for the overcrowding at the Lorton facility.

The facts are that the Congress appropriated $30 million in fiscal year 1987 for the development and construction of a new 800-bed prison facility. The Congress gave the District government the option of several sites. All of which are on Federal land in the District. However, no choice of a site has been made by the District Council; and only they know the real reason for their delay.

Therefore, the funds—already appropriated by the Congress and approved by the President—remain in the Treasury and a new prison remains on the drawing board. I hardly think that the Federal Government or the President can be saddled with this monkey.

Mr. President, politicians who give excuses without providing solutions diminish their credibility.

Now, I will admit that the drug prevention policies of the Federal Government are not perfect. Drugs are still readily available in America and drug abuse is still a major problem despite the best efforts of law enforcement personnel at every level of government. In fact, while statistics indicate that overall drug use trends are down for the public as a whole, drug use has stabilized at extremely high levels.

However, I would like to point out the successes that the Federal authorities have had in their effort to curb the flow of drugs into the United States.

Federal spending on drug interdiction efforts has increased from $372 million in fiscal year 1981 to $777 million in fiscal year 1987.

Seizures of cocaine have grown from 1.7 tons in 1981 to 27.2 tons in 1986.

The number of drug enforcement administration convictions has doubled, from about 6,000 to about 12,000; the number of FBI drug convictions has gone from 43 in fiscal 1982 to 2,791 in fiscal 1986.

Laboratory seizures, marijuana eradication, and other drug enforcement successes are also up dramatically.

Penalties have also increased substantially. The average sentence served for a DEA conviction rose from 51 months to 61 months between 1982 and 1986; the average penalty for cocaine offenses rose by 35 percent, from 48 months to 65 months.

Mr. President, the drug problem would be worse today in the absence of these efforts.

I understand why the District Government is trying to deflect criticism of its lack of control of its correctional system. But it is not going to work.

As the folks who run the District Government should know, "Home Rule" is not a "sometime responsibility" that it exercises when it "feels" like.

The District cannot "pick-and-choose" when it exercises "Home Rule"; and it cannot decide that in some instances it finds it "inconvenient" to exercise the duties that come with the responsibility.

Among other things, of course, the Federal Government has the responsibility to interdict drugs at the borders of the United States. Its efforts have succeeded in reducing the amount of available illegal substances that come into this country.

The Federal Government also has the responsibility to appropriate moneys to the District Government for certain of the services that it provides to its citizens—such as correctional facilities and operations.

The District of Columbia Government has the responsibility, among other things, to administer the correctional facility located in Lorton, VA.

If the folks who are supposed to guard the inmates at Lorton are caught smuggling drugs into the facility; of if law enforcement personnel are hired despite having criminal records; or if the District Government refuses to make a decision to build a new prison facility with already appropriated Federal funds, then Mr. Barry should hold up a big mirror and take a good look the next time he looks for a scapegoat on the local drug problem.

THE STATE DEPARTMENT PHONE BOOK'S TREATMENT OF OUR CONSULATE IN JERUSALEM

Mr. MOYNIHAN. Mr. President, I rise today to note a significant event, albeit a small one. The new State Department Telephone Directory, received just this week, reflects the fact that Jerusalem is in Israel. While this fact might seem obvious to anyone with a map, State Department publications over the years have always listed Jerusalem as a separate entity, a post without a country.

For example, on page 167 of the January 1984 Department of State Telephone Director, Tel Aviv is listed as the only post in Israel. Down the page, without a country, appears the entry "Jerusalem."

Mr. President, I ask unanimous consent that the page be printed at this point in the RECORD.

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

POST DIRECTORY

Country	Post	Country code	City code	Local Telephone Number
Guatemala	Guatemala	502	2	31-15-41
Guinea	Conakry	*	*	44-15-20 thru 24
Guinea-Bissau.	Bissau	*	*	212816/7
Guyana	Georgetown	592	02	02-54900
Haiti	Port-au-Prince	509	1	20200
Honduras	Tegucigalpa	504	N.R.	32-3120 thru 29
	Hong Kong	852	5	239011
Hungary	Budapest	*	*	329-275
Iceland	Reykjavik	*	*	29100
India	New Delhi	*	*	690351
	Bombay	*	*	823611/8
	Calcutta	*	*	44-3611/6
	Madras	*	*	83041
Indonesia	Jakarta	62	21	340001-9
	Medan	62	61	322200
	Surabaya	62	31	69287/8
Iraq	Baghdad	964	1	96138/9
Ireland	Dublin	353	1	688777
Israel	Tel Aviv	972	3	03-654338
Italy	Rome	39	6	(06) 4674
	Genoa	39	10	(010) 282-741
	Milan	39	2	(02) 652-841
	Naples	39	81	(081) 660966
	Palermo	39	91	(091) 291532-35
	Florence	39	55	(055) 298-276
	Trieste	39	40	(040) 68728/29

POST DIRECTORY—Continued

Country	Post	Country code	City code	Local Telephone Number
	Turin	39	?	?
	U.S. Export Development Office (Milan).	39	6	469-6451
Ivory Coast	Abidjan	225	N.R.	32-09-79
Jamaica	Kingston	809+	N.R.	92-94850
Japan	Tokyo	81	3	583-7141
	Naha, Okinawa	81	989	(0988) 77-8142
	Osaka-Kobe	81	6	(06) 341-2754/7
	Fukuoka	81	92	(092) 751-9331/4
	Sapporo	81	11	(011) 641-1115/7
	U.S. Export Development Office (Tokyo).	81	3	987-2441
	Jerusalem	972	2	(02) 234271
Jordan	Amman	*	*	44371-6
Kenya	Nairobi	254	2	334141
	Mombasa	254	?	315101

Mr. MOYNIHAN. The practice of listing Jerusalem as a post without a country had been going on for years. In a hearing on the Senate Committee on Foreign Relations on February 23, 1984, I asked why this was so, and then-Under Secretary of State Lawrence Eagleburger said it would be changed.

It was not changed in the January 1985 or the October 1985 phone directories; the March 1987 phone directory did not list Americans posts abroad. Since the 1984 hearing, 13 editions of "Key Officers of Foreign Service Posts" have been published, and all listed Jerusalem as a post without a country.

Finally, 4½ years later, the promised change has been made. The May 1988 State Department Telephone Directory lists two diplomatic posts in Israel, one in Tel Aviv and the other in Jerusalem.

Mr. President, I ask unanimous consent that page be printed in the RECORD at this point.

There being no objecion, the directory page was ordered to be printed in the RECORD, as follows:

Country, and Post	Country code	City code	Telephone Number
Guinea: Conakry	*	*	441-520
Guinea-Bissau: Bissau	245	N.R.	212-816
Guyana: Georgetown	592	02	549-9800-9
Haiti: Port-au-Prince	509	1	20-354
Honduras: Tegucigalpa	504	N.R.	323-120
Hong Kong	852	5	239-011
Hungary: Budapest	36	1	126-450
Iceland: Reykjavik	354	1	29100
India:			
Bombay	22	91	822-3611
Calcutta	91	33	441-611
Madras	91	44	473-040
Indonesia			
Jakarta	62	21	360-360
Medan	62	61	322-200
Surabaya	62	31	692-89
Iraq: Baghdad	*	*	719-6138
Ireland: Dublin	353	1	688-777
Israel:			
Tel Aviv	972	3	654-347
Jerusalem	972	2	234-271
Italy:			
Rome	39	6	46741
Genoa	39	010	282-741
Milan	39	2	652-841
Naples	39	81	660-996
Palermo	39	91	343-532
Florence	39	55	298-276
Turin	39	11	517-437
U.S. Mission to the UN Agencies for Food and Agriculture (Rome).	39	6	46741
Vatican City	39	6	639-0558
Jamaica: Kingston	809	N.R.	929-4850
Japan:			
Tokyo	81	3	224-5000
Naha, Okinawa	81	988	764-211
Osaka-Kobe	81	6	315-5900/33549
Fukuoka	81	92	751-9331
Sapporo	81	11	641-1115
Jordan: Amman	962	6	644371
Kenya: Nairobi	254	2	334-141

Mr. MOYNIHAN. It has taken a long time, but I am glad to have the change. The symbolism of this act is important, Mr. President. We have not only denied our great good friends the Israelis recognition of their capital city, Jerusalem; we have denied it is their city at all. This is a good change, it is a needed change, and it is long overdue.

COMMENDING THE SERVICE OF DR. FREDRICK F. CHIEN

Mr. HEFLIN. Mr. President, I rise today to commend Dr. Fredrick F. Chien for 5½ years of outstanding service as Representative of the Coordination Council for North American Affairs [CCNAA]. Fred has recently been appointed as the Minister of State and Chairman of the Council for Economic Planning and Development of the Republic of China on Taiwan. During his tenure at CCNAA, Fred has distinguished himself as an honorable diplomat and as a good friend. He will be greatly missed by his many friends in Washington and throughout our Nation.

Ever since 1979, when diplomatic relations between our two countries were broken and when the Taiwan Relations Act, a statute which created the American Institute in Taiwan [AIT] and the Coordination Council for North American Affairs [CCNAA], was passed, the relations between our two countries have been unique and special.

Fred Chien has been intimately involved in preserving and strengthening the strong relationship our countries enjoy. His own diplomacy has enabled us to resolve some very sensitive situations ranging from military sales to trade disputes to human rights issues.

In the area of trade, perhaps the most important issue between our two countries at this time, we have been pleased to see recent improvements. To improve the trade imbalance, the government in Taiwan has gradually lifted some foreign exchange and import controls, has lowered customs tariffs and has allowed the New Taiwan dollar to appreciate. Although we have some trade issues which still need to be resolved, we have been pleased with the progress which has been made in this area and we have been grateful for Fred's hard work to resolve our trade disputes.

We in the United States have also watched with excitement the many democratic reforms which have taken place in Taiwan during Fred's tenure at CCNAA. Martial law imposed under the Emergency Decree of 1948, has been lifted. Newspaper restrictions have been relaxed. Opposition political parties have been allowed to form and to become actively involved in the political process. We welcome and applaud these actions which can only bring our two countries closer together.

Dr. Fredrick Chien is a credit to his country and a good friend to ours. I hope that his leadership in Taipei will help the relationship between our two countries grow deeper and stronger in the future.

TRIBUTE TO DR. RALPH W. ADAMS

Mr. HEFLIN. Mr. President, I am filled with honor as I rise today in tribute to my friend, Dr. Ralph W. Adams, who recently announced that he will step down as chancellor of Troy State University on August 31, 1989.

Dr. Adams has done a remarkable job as chancellor of the Troy State University system since his appointment to that post in 1984, and before that as president of the university since 1964. During the last 25 years, Troy State has emerged as a cornerstone of educational progress and activity in Alabama primarily because of the leadership and guidance that Dr. Adams has provided.

Dr. Adams has worked throughout his tenure at Troy State University with the goal of promoting excellence in education, providing an environment conducive to this quest for excellence, and encouraging students to learn by their own initiative in addition to learning under the tutelage of instructors. As a result of his work, Troy State is developing not only college graduates, but responsible citizens and leaders who will usher Alabama into the future. Education is the key to prosperity, both economic and spiritual. And Dr. Adams' guidance has resulted in a great wealth among young men and women today. This wealth will provide Alabama with the means to meet the future.

Dr. Adams has led Troy State University with a steady hand through a period of unprecedented expansion and improvement. He has worked to broaden the focus of the school, and has been instrumental in instituting a wide variety of programs that help students in their quest for knowledge and improvement.

Under Dr. Adams' guidance the university was completely reorganized in 1971, and now consists of several distinct divisions each administered by a dean. It offers specialization under the Sorrell College of Business and Commerce, the college of arts and sciences, the school of education, the school of nursing, the Hall School of Journalism, and the college of fine arts. Troy State University has dedicated itself to the improvement of education, knowledge, and the appreciation of life among all people. This education is largely due to the extended leadership of Dr. Ralph Adams.

The expertise with which Dr. Adams has guided Troy State has not gone unnoticed, but extends to all circles of education. In 1986, he was selected as 1 of the 100 most effective college presidents in our Nation. Alabama has been fortunate to have had such a dedicated leader to serve at the helm of one of our State's universities, for his dedication and expertise has had a great influence on the entire State.

Mr. President, one of the few constants in our ever changing society is the value of an education. Education is the key to employment, and to economic progress. It is the key to the preservation of individual liberties. It is the key to understanding the vast world around us, and to the appreciation of all which is encompassed by that world.

I am, indeed, proud to congratulate Ralph Adams for all that he has done, and to thank him for his efforts. I ask unanimous consent that the attached article which describes Dr. Adams' announcement of his resignation be printed in the CONGRESSIONAL RECORD.

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

[From the Alabama Journal, June 8, 1988]

TROY STATE PRESIDENT TO RETIRE

TROY.—Ralph Adams, who spent 24 years building Troy State University from a small teachers' college to a worldwide institution, will retire next year.

Adams told TSU trustees Tuesday that he will step down Aug. 31, 1989, as president of Troy State and chancellor of the Troy State University System.

"There comes a time when the banner of leadership in any organization must pass to a new leader, and I believe we must recognize that the time for such change at TSU is at hand," Adams said.

Adams, 73, was named president in 1964 and became the TSU System's first chancellor in 1984.

After Adams announced his retirement, the chairman of trustees, Birmingham banker Wallace Malone, appointed two search committees—one to look for a president of the main campus and another for a chancellor.

During Adams' tenure, Troy State has grown from a teachers' college with 2,000 students to a full university with 13,000 students scattered on three campuses in Alabama.

Besides the Troy, Montgomery and Dothan-Fort Rucker campuses, TSU has campuses on 41 military bases around the globe.

"We can all be truly proud of the growth Troy State has experienced over the years, and the future of this great institution is extremely bright as we continue to serve students in Alabama and the military personnel and their dependents who are stationed in Georgia, Florida, Cuba, Europe and the Pacific.

"In fact, the sun never sets on TSU," Adams said in a letter to the trustees.

Adams did not tell the trustees what plans he has for retirement. However, after the meeting, he told school spokesman Bill Buchanan that he might like to play golf and fish.

TRIBUTE TO TOM YORK

Mr. HEFLIN. Mr. President, I am delighted to rise, today, to congratulate my friend, Tom York, who, for 30 years now, has hosted Birmingham, AL's longest running live talk show, "The Tom York Morning Show." I am a personal fan of Tom York and have watched "The Morning Show" for many years. As is evident from the show's longevity and continued success, I am not Tom York's only fan.

Since the pioneer days of television, Tom York has appeared over the airways of my State to bid the citizens of Alabama a "good morning," to keep them apprised of the issues in the news which are vital to their well-being, and to bring them interviews of interest and entertainment. Because of his good natured demeanor and personality Tom has become more than just a television anchor—he is considered as a friend to thousands of Alabamians who start their days by tuning in to his show. During his 30-year tenure as host of "The Morning Show," Tom has interviewed over 45,000 guests. One can only imagine the personalities he has interviewed through the years, but I personally hope that someday Tom writes his memoirs so that we can learn of the most eventful moments of the show which has in many ways been a chronicle of our State's recent history.

Mr. President, I ask that an article from the Birmingham News which describes the history of "The Tom York Morning Show" be printed in the CONGRESSIONAL RECORD for my colleagues to see. In the article, Tom York has indicated that he has been "toying" with the idea of retirement. I must say, perhaps selfishly, that I hope he does not retire any time soon, for we will miss him greatly if he does.

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

YORK'S "MORNING SHOW" WEATHERS 30 YEARS AND 45,000 INTERVIEWS

(By Alec Harvey)

It's 8:30 a.m. and the lawn of the president's mansion at the University of Alabama is bustling.

Since 5 a.m., crews have been running cables from trucks to cameras, securing time on a satellite 22,000 miles straight up, and making sure everything will go smoothly when all begins at 9 a.m.

Tom York introduces himself to his guests and begins studying who they are and what they do, "trying to absorb some of the information."

With two minutes until airtime, the sound man tries to get microphones working on guests seated 100 feet away from his sound truck.

"I think that's her," he says of one woman testing her mike. "Hell, I don't know."

Next, it's a man's turn to test his voice level.

"I feel sure that's not the level he's going to talk at, but I can live with it," the sound man says, as the final seconds count down to the live broadcast "3, 2, 1 . . ."

Welcome to The Tom York Morning Show.

For 30 years, York has hosted Birmingham's longest-running live talk show, interviewing more than 45,000 guests in the process.

"That's a lot of guests," York says with surprise after figuring out the number. "Who were all of these people?"

The people were authors, actresses, actors, musicians, politicians, fashion experts . . . you name'em, York's probably interviewed them, and he can't remember many of them.

"I'll always regret not having kept a journal of the 30 years I've hosted the show," York said. "There are so many highlights, so many funny and semi-tragic things that have happened, that have gone completely into oblivion."

Back in 1957, York never would have guessed he would still be on the air in 1988 with a show that was developed just to fill an hour.

"We (WBRC) were affiliated with CBS at the time, and they were fighting The Today Show (with host Dave Garroway) with their own show," York recalled. "They tried Jack Paar and Jimmy Dean, and neither worked, so they told the affiliates they were going to stop feeding any network programming from 7-8 a.m.

"The boss called me in and said 'OK, we've got an hour to fill, what can you do?'," York said. "That's the way it was born."

Was it York's interviewing abilities or outstanding television presence that got him a shot at hosting The Morning Show? Not a chance.

"It was only because I was the last announcer hired, and the last announcer got the early, early morning shift," he said.

WBRC hit the jackpot with The Morning Show, beginning to beat Garroway after about four ratings periods, York said.

"There were times in the 1960s that we beat The Today Show more than 2-to-1," he said.

The key to the show's success was, and always has been, its local flavor, York said.

"I said from the beginning that we can talk about world affairs and Dave Garroway can talk about world affairs," he said. "But I can talk about Jasper and Cullman, and he can't."

For 23 years, The Morning Show aired from 7-8 a.m., airing from 8-9 a.m. in 1981 and switching to 9-10 a.m. since.

"At one time, it was 90 minutes," York said of the show that began to bear his name in 1984. "For about six months, it was two hours of just me and this co-hostess."

Ah, the co-hostess. Gone but not forgotten. Well, almost not forgotten.

"God, I can't remember her name," he said of his first co-hostess. "But Pat Gray was the second."

There were several others, including Fannie Flagg and Sharon Brown, a former Miss Louisiana USA.

"I've been doing the show by myself now since 1985, and I like it that way, but I wasn't sure at first," York said. "I had always had somebody to talk to, and I thought I was just going to be sitting there lecturing, but we decided to go with it, and I like it a lot better now."

Although York calls his 30 years as host of the show "uneventful," he does have some memories, fond and not so fond.

The first guest was Country Boy Eddie, who went on to host his own live show on Channel 6.

The best interviews he's done were with Robert Wagner and Roots author Alex Haley in Hollywood.

York's most beautiful interviewee was Jaclyn Smith. "The woman is so startlingly beautiful it's incredible," he said. "The television screen does not do her justice."

The most uncontrollable interview was Robin Williams, who was starring in Mork and Mindy at the time. "Pam Dawber (Williams' co-star) didn't say a word and just giggled," York recalled. "Robin went off the wall for about five minutes."

The funniest interview was with Hee-Haw star Junior Samples, who, when asked how a country boy got into show business, rambled on with a 40-minute answer. "At the end of it, he said . . . I was the only (host) who had ever let him finish that answer," York said.

The worst guest was Quinn Cummings, the 10-year-old co-star of the television series Family. "I asked her the standard questions about her and her show, and she gave me smart (aleck) answers every time," York said. "I got so mad that I just turned around and said, "Thank you, that concludes this interview."

Much of York's interviews are informative pieces, including an award-winning series on facelifts.

"We also had a one-hour program on human sexuality where we were talking about every kind of bizarre thing you could think about," York said. "Just like Donahue."

Television has changed a lot in 30 years and not always for the better, the 63-year-old York said.

"It's not as much fun these days," he said. "It's the difference between wildcatting for oil in Texas and going in with a full armada from Texaco. It has become, like many other professions, so specialized."

More technology and specialization has brought more pressure.

"It's endemic to the situation that there's more pressure, when you've got so many people either overseeing or doing the same thing," York said. "Back then, we were the alpha and the omega, the beginning and the end, just turn the cameras on and we did something."

Retirement is definitely in the future for York.

"I've been toying with that idea for a long time," he said. "I like the show most of the time, but I want more time off to do what I want to do. I'm going week-to-week, month-to-month on a decision to retire."

But York feels sure The Morning Show will go on.

"It's not going to die because of dead ratings," he said. "I'm sure they'd continue with another host."

TRIBUTE TO JAMES EARL JOHNSON

Mr. HEFLIN. Mr. President, through the years I have observed many times that, in a particular county there is often one individual who stands out because of his individual efforts on behalf of others or because of his outstanding and extended public service. I am delighted to rise, today, to pay tribute to such a man—my friend, James Earl Johnson of Clanton, AL. James Earl Johnson has spent his entire life in devoted service to the people of Chilton County. He has distinguished himself through his efforts, and has contributed immensely to his community, our State, and our Nation.

James Earl Johnson was born and raised in Chilton County, AL, and graduated from Chilton County High School. Thus, it is understandable why he has worked so hard for so many years to make it a better place to live. He seems to be drawn toward the service of others like a horseshoe to a magnet.

James Earle's career in public service began in 1960 when he began to ride with the Chilton County Sheriff on weekends at the age of 21. He has said that he always wanted to be a law enforcement officer, and so pursued that goal. In 1962, he became a full-time jailer with the department. After only 2 years, he became the State's youngest deputy sheriff. Then, 2 years after that he was appointed as the State's youngest chief deputy sheriff. Finally, after leaving the sheriff's department for 2 years when he served from 1976 to 1978 as police chief of the city of Clanton, Johnson was elected as sheriff of Chilton County. Sheriff Johnson was one of the best sheriffs in the history of Chilton County, as is evidenced by the overwhelming support with which he was reelected in 1982. His constituents recognized what a valued public servant they had, and rallied behind him with 88 percent of the vote—the highest number of votes anyone ever received in the county.

Throughout this career in law enforcement, Sheriff Johnson worked to defend the citizens of Chilton County, and to ensure their happiness and well-being. He seems to thrive on doing things to make life better for other people. His helpful attitude and gracious service have gained him the respect of the citizens of his community. More importantly, he is their friend.

In 1985, Sheriff Johnson decided to shift his attention to another realm of government service when he began in his present position as the Chilton County tax assessor. While the job as tax assessor is vastly different from his work as sheriff, the sheriff's good nature and unique talents have en-

abled him to succeed in service just as he has in numerous positions before.

I commend Sheriff Johnson for his many triumphs and successes. The people of Chilton County are fortunate to have someone his caliber to serve their county. I look forward to seeing the other wonderful accomplishments and service he will provide to his community, our State and Nation. It is efforts such as those he has made that make our world a better place, and that distinguish America from the other countries of the world. I look forward to working with him in the future toward greater goals for Chilton County, AL, and America.

Mr. President, I ask unanimous consent that the attached newspaper article which describes James Earl Johnson's outstanding service to Chilton County and to Alabama be printed in the CONGRESSIONAL RECORD.

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

[From the Birmingham News, June 7, 1988]

EX-CHILTON SHERIFF RECALLS THE HAZARDS, REWARDS OF ENFORCING LAW

(By Dwight Sumners)

CLANTON.—James Earl Johnson has spent more than half his life as a public servant to the people of Chilton County.

There's not many people around he's not acquainted with.

And for the past 28 years, the peach capital of the South's tax assessor and former sheriff has subscribed to the basic philosophy of "know your people, know how to talk to them, get along with them and treat them like you would want to be treated yourself."

In many cases that philosophy is easier said than done.

But in a natural, free-flowing way, it's easier for Johnson to do something for somebody than to just say it.

"I enjoy working for the public. That's been one of the biggest things in my life," the 49-year-old soft-spoken man said as he leaned back in a swivel chair, hands propped behind his head.

"I'm the kind of person that likes to do favors for other people and help them when I can. And the people have been so good to me. I couldn't ask for more."

Johnson, who celebrates his 28th wedding anniversary this month, was born and raised in Chilton County.

He attended Chilton County High School and later graduated from Troy State University in 1978.

He has a son, 21, and a daughter, 24 both of whom work for the county sheriff's office.

As tax assessor for the past three years, Johnson has now settled into an 8-to-5 bookkeeping job that he says he really enjoys.

But he said his true labor of love has always been law enforcement.

Just bring up the subject and he'll tell you.

"I always wanted to be in law enforcement, ever since I was 6 years old. I just always kind of looked up to law enforcement folks," he said.

Johnson's career began in 1960, riding part-time with the Chilton County sheriff's office on weekends.

And from that point until 1982, when he left as sheriff to become tax assessor, Johnson has seen, and knows, just how the county ticks.

Johnson went full-time with the department in 1962 as a jailer.

Two years later, he moved into a deputy sheriff's job, becoming the state's youngest deputy.

"All we did was work whiskey day and night," he said, recalling some of his fondest memories.

"At that point, whiskey bootleggers and stills were the biggest problems in the county. The former sheriff was even sent up for two years for dealing in moonshine," Johnson said.

"A lot of times we'd find a still, carry our sleeping bags in and stay for three or four days and nights, watching and waiting. We blew up several of them and made a lot of arrests.

"But to get out in the woods back then, early in the morning at daybreak when the foxes were running through the woods and all the sounds and everything, was kind of like being in heaven. I really enjoyed it," Johnson said.

In 1966, Johnson was appointed as chief deputy sheriff again becoming the state's youngest.

"I'll never forget that week," he recalled. "We had two murders back-to-back. I was kind of nervous because I'd never done any investigating before. I just had to do it and had no one to fall back on because I was the only investigator at that time. But we got convictions."

Five years later, Johnson was again thrown into another unknown area—drugs.

"We'd never heard of marijuana then. One day we ran up on some boys down at the shopping center smoking something that smelled like a rope burning and decided we'd better investigate," he recalled.

"Then we found out later that they were growing it here, found some plants and made a case.

"From then on, drugs started getting bigger and bigger because sugar prices went up so high that they couldn't afford to make whiskey anymore," Johnson said.

It was also around that time that Johnson was shot in the side and hand, and experienced an era of "sure enough" criminals.

"We ran into several that were on the FBI's top 10 list.

"One fellow we caught up with in the southern part of the county had tried to rob a bank in Georgia. He had taken a half case of dynamite and tried to blow the safe open, but ended up blowing the . . . bank to pieces," Johnson recalled.

In 1976, Johnson left the sheriff's office to fill the job of police chief for the City of Clanton.

"I'll never forget one night we were working the fair and somebody shouted that there was a fight down in the parking lot. One of the officers took off, and then we heard a gunshot. He started shouting that somebody was shooting at him," Johnson said.

"It turned out the officer's gun went off while he was running and shot a hole through the bottom of his holster. We got his holster and nailed it on the bulletin board in city hall. It was a real Barney Fife move," he said with a laugh.

As chief, Johnson decided to run for sheriff in 1978 and was elected over seven opponents with a majority of the votes. It was a first, he said, for that position.

In 1982, he was re-elected with 88 percent of the votes—the highest number of votes anyone ever received in the county, Johnson said.

During his career, Johnson spent about 1,200 hours attending a dozen police schools.

He's been presented with about 50 awards, plaques and certificates.

But the dearest of all, Johnson said, was an outstanding officer award he received from the Stanton Annex Jaycees at Draper Prison in Elmore County.

"It's pretty good to get an award from a bunch of folks you sent to the penitentiary," he said.

Johnson's career with the sheriff's office ended in 1985 when he sought the office of tax assessor because of personal reasons.

"It's not as exciting as the sheriff's office, but I like it," he said.

TRIBUTE TO ROBERTA GAMBLE

Mr. HEFLIN. Mr. President, my home State of Alabama is experiencing a renaissance, of sorts, in the arts, thanks largely to the efforts of individuals like my friend Roberta "Bobbie" Gamble, of Greenville, AL. She has been instrumental to the success of the performing arts in this Alabama city and has spent almost 40 years making her hometown a better place to live for all its citizens. She should be praised for her constant commitment to the community. Her many contributions have helped bring to this town of about 8,000 people affinities normally afforded only to citizens of much larger towns.

In the past 6 years, much of Mrs. Gamble's time has been spent obtaining and refurbishing the vintage 1935 Ritz Theater for Greenville's use as a venue for the dramatic arts. Led by Mrs. Gamble and others, the community convinced the city to purchase the old movie house in order to provide a location for a local community theater. While this theater is still being repaired, it has hosted both local and regional productions since its opening in 1982.

The theater has already exposed citizens to at least four productions by the Alabama Shakespeare Festival in addition to countless other local plays. Through the efforts of Roberta Gamble and others like her, tens of thousands of dollars have been raised through grants, city funds, and individual contributions to complete the repairs. Many of the needed repairs, such as new dressing rooms and an extended stage, have already been made, but others remain. The efforts of people like Mrs. Gamble ensure that the improvements will continue to happen and that the Ritz Theater will flourish as a monument to community pride.

Roberta Gamble has nurtured a lifelong love for the theater. She left her hometown of Jacksonville, FL, to earn an undergraduate degree in drama from the University of Alabama. She began graduate studies in theater and

dreamed of moving to New York to work on Broadway. Someone with a lesser devotion to drama might have let her plans for the theater die after marrying Arther Gamble and settling in Greenville, AL, but not Bobbie. She kept sight of her dream throughout the 10 years she spent as a social worker helping make life more bearable for those less fortunate than herself. Mrs. Gamble maintained contact with the theater by reading the theater section from her Sunday subscription to the New York Times. In that time, she managed to balance her work with her family, giving birth to her daughter Genie.

Mr. President, Roberta Gamble began to realize her dream of being involved in theater when she started working as a history teacher at Greenville High School. She successfully combined her teaching duties with the staging of school plays. The school was very fortunate to have someone of her ability and talents to lead and instruct the aspiring actors and actresses. She touched and influenced the lives of many students during her 27 years of service at Greenville High School before retiring in 1986. Mrs. Gamble was often ahead of her time in both her productions and in her enlightened attitude which brought the first integrated performance to Greenville. In the spring of 1971, she selected an integrated cast for "Hello, Dolly," and thus ensured that the audience would also be integrated.

Mrs. Gamble humbly denies the impact which she has had on the performing arts in Greenville, but in my judgment she has been the driving force behind the efforts to obtain both local and regional productions for this town. It is my sincere hope that many others will follow Roberta Gamble's example by devoting themselves to the advancement of their own communities.

Mr. President, I ask unanimous consent that this newspaper article describing Roberta "Bobbie" Gamble's accomplishments be reprinted in the CONGRESSIONAL RECORD.

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

[From the Montgomery Advertiser and Alabama Journal, June 19, 1988]

GREENVILLE 'MIRACLE' THEATER BORN OF BENEVOLENCE, SWEAT, CITY PRIDE

(By Mike Land)

GREENVILLE.—When Greenville High School history teacher Roberta "Bobbie" Gamble and student Randy Foster cofounded the "Old Gym Players" in 1970, they went out of their way to make their first project a challenge.

They decided to do a racially intergrated "Hello Dolly"—integrated in the same year the Greenville school system became fully integrated.

"Randy and I and some other students decided there were so many opportunities to do things," said Gamble. "But doors were always closed because of someone telling us we couldn't get along.

"So we decided to do it in the arts. Those of us in the arts believe it is the bridge. It gets people together who don't get along in other situations.

"Art is the great bridge," she said. "At least, it is in my life."

And if art has served as a bridge in Greenville, Gamble and others are slaving away now on its central pillar. They call it the Ritz Theatre. Built in 1935, the old movie house sat unused for almost a decade before the city bought it in 1982—bought it with the understanding that the brand new Greenville Area Arts Council would restore it for use as the community theater.

"We formed on a promise," said Gamble, head of the city's Ritz Advisory Board since 1982. "We didn't have anything to draw people into unless we had the auditorium."

And now Greenville does. The arts council and advisory board—"we're the same people; it confuses the dickens out of folks," says Gamble—have led a renovation of the 500-seat house that includes extension of the stage, the addition of dressing rooms for cast members and—the newest triumph—a $34,000 heating and cooling system.

To understand the significance of the achievement, Gamble says, one need only visit other towns with a population of about 8,000.

"What's so unusual about this theater is that its in a town this size with a group this small," she said.

"In a lot of towns like this, the old theaters are just dead. They're just sitting there."

But perhaps the best way to understand the significance of the Ritz is to make a journey not of miles but years.

Years, that is, of Gamble's life in Greenville—40 years, to be exact.

A native of Jacksonville, Fla., Gamble attended the University of Alabama in the 1940s and earned an undergraduate degree in drama. She then began graduate work in theater.

What were her plans?

"Well, they weren't to fall in love with a small-town boy," she said, laughing. "I guess I was like anyone else—I would have gone to New York and tried to make it."

But Gamble did fall in love with the small-town boy—marrying Arthur Gamble—and settled down not in the shadow of Broadway but in rather undramatic Greenville.

"The women are all from somewhere else," Gamble joked. "The men are stronger than us and they drag us here."

For 10 years, Gamble's life contained only real-life dramas. Birth of a child, daughter Genie. Planting of roots. Serving the poor. Gamble spent 10 years as a social worker.

But her dramatic interest was keen.

"I always took the Sunday New York Times for the theater section," she said "Ultimately, I knew I would be back in the theater, even in a small town."

In 1959, Gamble made her comeback. She took a job as a history teacher at Greenville High School and began staging school plays. But Gamble's "15 good years" of public and private school drama didn't really take off until the fall of 1970. That was when she hooked up with Foster—a 17-year-old so talented he "transposed the score of 'Hello Dolly,' so high school students could play it."

But the audience was a bigger concern than the scoring. Gamble chose to integrate the cast of the spring 1971 "Dolly"; the audience became the first at which blacks and whites sat side by side in a Greenville production.

"We didn't know if anybody would come," she said. "We expected 100. But we filled the place up."

As the '70s progressed, such success became more expected. "In 'Annie, Get Your Gun,' we had a black Annie," Gamble said.

"A girl who was a student of mine, Ingrid Palmer, called me the other day to tell me she was getting married. She is black. She told me how good those times were, and I said those were terrible times. She said, 'But even the bad times were good times.'"

During the '70s, a fledgling arts council was formed but later died. One problem was staging: The town had several gymnasiums, said Gamble, but nothing suitable for putting on shows in style.

Enter the Ritz. In 1981, owner Calvin Poole announced he wanted to sell the property. Greenville Mayor Pro Tempore Charles Kennedy, Carol McArthur, Pat Jenkins and Magoo Hamilton were among those who fought to have the city buy the property, Gamble said.

Even that year, with neither a theater or a functioning arts council, the future founders of GAAC gathered at the old building and began to work on the painting.

"It was just like an old Judy Garland-Mickey Rooney film," Gamble said, laughing. "A whole bunch of folks just banded together and decided they were going to turn this old movie house into a theater."

In 1982, the city purchased the Ritz for $75,000, trusting that the new GAAC would make sure it was used. Well, by the time the city officially approved the sale, local officials knew it would be used: At the time of the purchase, the season-opener—the Alabama Shakespeare Festival tour of "Romeo and Juliet"—had been booked and was only about three months away.

"It was a race against time," said McArthur, GAAC chairman since that first year.

"The theater," said Gamble, "was uninhabitable. It was the remaking of something almost gone."

Since one selling point was restoration, the council went with the '30s noveau art look in the theater. This resulted in such combinations as, in Gamble's words, the "garish" yellow, red and turquoise on the marquis.

Jenkins and Sandra Wise searched books on the period to select the appropriate colors. During the hurried repainting, the two received an unexpected vindication. "We scraped through the layers of paint that had been put on and we found that the original paint matched our color scheme," said McArthur.

Other changes were made, too. The city pitched in $63,000 worth of work before the first show, carrying out new dressing rooms under the stage, where previously there were only two rooms: one for the boiler, another with vines pushing onto the floor from outside.

The city also extended the stage forward "about nine feet," Gamble estimated.

"These are good hardwood floors," she said. "You can dance right up to the edge of the stage and not fall in."

All in all, the volunteers accomplished enough in six weeks to see ASF perform "Romeo and Juliet." It was the first of many out-of-town acts Greenville has attracted with the new theater. Since the '82

opener, ASF touring companies alone have surprise Greenville. * * *

Meanwhile, the council kept striving for more. According to Gamble, the 1940s gas heater sounded "like a locomotive" and could not be run during performances. There was no cooling system. So the council set out to raise an estimated $40,000.

Among fund-raising tools was a grant—Gamble wrote the proposal—that earned the effort an early $15,000. That gave momentum to a variety of fund-raising events, not to mention begging. Eventually, the council made $33,000 and asked the city to come up with the other $7,000. The city agreed.

"We told them, 'Look, no one ever comes to you with cash in hand, and we've raised $33,000,' " said Gamble.

"Then, when bids came in, we got one for $34,000."

Since installation, the theater has seen two GAAC productions. "We have had one heating performance and one cooling performance," joked GAAC worker Mary Ann Hamilton.

The low bid, however, didn't let the city off the hook. They city has agreed to replace the ceiling of the theater, probably this summer, well before the next season's opener: the ASF touring production of "Hamlet."

Other projects loom as well. The next major objective is new seats." The original 1935 seats remain; more than 50 years old, about half feature duck tape that holds in obstrusive springs."Before every show," says Gamble, "we put more tape on the killer seats."

But council members are already proud. They believe it says something for community pride in their city.

"It was the clincher in getting me involved in the community," said McArthur, who had moved here with her own husband in 1980 and has since directed such productions as a highly popular Eastern passion play.

"Everyone was painting, working. It was fun to work on something like that together."

Today, that nucleus remains. Steadham McGown, for instance, helps pull together fund-raising social events. Tom Payne has become the group's lighting expert.

Yet, as with most small towns, some supporters have moved on. Jenkins lives in Montgomery. So does Foster, now music director at ASF. But they are remembered.

"Two people have donated a Baldwin baby grand to us and we are going to invite native son Randy Foster to be the first person to play it next season," Gamble said.

But Gamble remains, taking advantage of her retirement in 1986 to help keep things moving. She works, she meets, she advises her often-younger colleagues on such matters as the importance of letting the city know the town's voters care.

"She's our guiding light," said Tom Braxton, who heads the theater's promotion-oriented Patron's Guild.

Braxton laughed.

"She's our godmother," he said.

Gamble defers credit.

"My role in it was that I had been working at it so long, one way or another," she said. "We had come close before. One time we thought we would get a civic auditorium, and it was killed.

"I think this is kind of a miracle."

She laughed.

"Regardless of its condition."

TRIBUTE TO DR. JOAB L. THOMAS

Mr. HEFLIN. Mr. President, I am honored to rise, today, in tribute to Dr. Joab L. Thomas who recently announced that he will step down as the president of the University of Alabama on September 1, 1988. Dr. Thomas has done a remarkable job as president of the university since his appointment 7 years ago on July 1, 1981. In my judgment, he has been one of the greatest presidents the university has ever had. During his tenure, he has provided the university administration, the faculty, the student body, and the alumni—the entire university community—with a new vision and with new dreams for what our university can be. His tenure has been one of renewal—renewed energy, renewed cooperation, and renewed spirit. His work has resulted in a promise of tremendous potential for the students of the University of Alabama and for the citizens of our State and our Nation. Each Alabamian owes Dr. Thomas a great debt for his efforts on our behalf, for he outlined the path we must follow and the goals we must accomplish in the future.

One of Dr. Thomas' primary legacies has been to encourage in an unprecedented capacity the quest for academic excellence among the faculty and by all students. Although he became president at a time when enrollment was declining, one of his first acts was to raise academic standards for incoming students. Thus, he took an important step in rebuilding the school's academic reputation. He also instituted a greater number of standard course requirements to ensure that students receive a complete education. Knowing that any school must actively seek the most qualified students, Dr. Thomas started a presidential scholars program that now provides a full academic scholarship to 150 entering freshmen. And because he knew that top students are attracted only by top professors, he established 11 endowed chairs in subjects ranging from music and creative writing to computer engineering and magnetic information technology.

The result of Dr. Thomas' efforts have been tremendous. The university has attracted more national merit and achievement scholars than ever before—63 last year alone—ranking 25th nationally among all institutions and 11th among all public institutions. Even more encouraging have been enrollment statistics. Although Dr. Thomas has actually raised the admissions standards, enrollment has steadily increased and is a record 17,000 this year.

A second goal that Dr. Thomas has fostered over the last 7 years has been to encourage a research program at the university. In this effort he has tripled external support for faculty research since 1981, and has replaced and improved the computer systems on the campus by implementing a $20 million campus modernization plan. Dr. Thomas' philosophy toward research among the faculty is that only through efforts of this type will the school attract the brightest students, enhance its reputation, and attract even more money for research.

Finally, Dr. Thomas has promoted cooperation between the university and the State's business community. He has fostered the belief that the knowledge, the expertise, and the facilities of the University of Alabama should play a role in assisting economic development in the region and State. I cannot imagine a better approach in working to help our State. In this effort he has achieved tremendous success. In 1983, Dr. Thomas took a tremendous risk by gambling $400,000 in a plan to save the General Motors Rochester parts plant in Tuscaloosa. He used this money to show how research by faculty and students could demonstrate to plant officials ways in which they could save that amount or more. After the study was completed, the company ended up saving $700,000 and the project was a success. The plant was saved, the university was repaid, and the faculty and students enjoyed the benefits of a live laboratory in production and business administration. Even more recently, in 1986, the university aided the city of Tuscaloosa in recruiting JVC America to base its headquarters in the community. Therefore, appropriately, under Dr. Thomas' guidance the university has taken an innovative role in the affairs of the community. It not only provides for educational opportunities but enhances all opportunities.

Mr. President, in many ways I cannot help regretting that Dr. Thomas will be stepping down as president of the University of Alabama to return as a professor in botany, his chosen field. Dr. Thomas has made our university a great institution of higher education. He is leaving it with a strong reputation, as a sound, balanced, and innovative school. More than anything else, Dr. Thomas has brought a new sense of hope and optimism to everyone at the university for what we can accomplish. His guidance has enabled us to look to the future with confidence that we can achieve our goals. And this hope, optimism, and confidence cannot help but spread to every area of my State.

By strengthening the university, helping to expand what if offers, and encouraging its excellence, Dr. Thomas has strengthened our communities, or State, and our Nation. Through his efforts, he has helped to insure that our tradition of democracy and individual freedom will continue. Thomas Jefferson, himself, recognized

a vital link between education and democracy when he said that education "enable(s) every man to judge for himself what will secure or endanger his freedom. Without it, no republic can maintain itself in strength."

Dr. Thomas has played an instrumental role in education, and, thus, in preparing people of all ages for an enhanced role in their communities. Through his contributions, he has greatly advanced both the well-being of our State and Nation, and the hope for the future of all Americans. His career has been outstanding, and I am certain that his future achievements will continue to help countless people. I commend Dr. Thomas for his brilliant, tireless work. I feel that his life is an example of selfless service that all should follow. There is no way in which the citizens of Alabama can adequately repay him for his work—except perhaps to follow in the direction to which he has pointed and to pursue the goals he has identified.

I ask unanimous consent that the attached newspaper articles which describe the achievements and successes Dr. Joab Thomas brought to the University of Alabama and to my State be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, June 29, 1988]

THOMAS LED ACADEMIC RENAISSANCE—OBSERVERS SAY PRESIDENT'S IMPACT FELT THROUGHOUT STATE

(By Patrick Rupinski)

Joab Thomas' presidency of the University of Alabama will be remembered as a time of innovation and academic rebirth.

Thomas, who resigned yesterday after heading the university for seven years, not only improved the university but enhanced the city of Tuscaloosa and Alabama, according to those who closely followed his tenure.

"He is leaving the university in much better condition than it was when he came," said Frank Nix, a past president of the UA National Alumni Assoication.

"He improved the academic climate tremendously. But I am most impressed with the way he rallied alumni and supporters around the state. He got people working who never did much before. He got people to contribute money and time. He got people doing things that were not only good for the University of Alabama but good for the state,"

In doing that, Thomas always seemed to channel his efforts toward higher academic standards.

"He had an absolute, unswerving emphasis on academic improvement," university trustee Frank Bromberg said. "He made entrance requirements tougher and he instituted a core curriculum for students that went back to the basics.

"The tougher requirements made it tougher to get in and tougher to graduate. Yet, the freshmen classes got bigger. People decided to go to Alabana because they perceive it means more to get an education there."

This fall, the university's enrollment will reach a record high of 17,000.

But Thomas also tied academics to the community. When General Motors decided to close its Rochester Product Plant in Tuscaloosa in 1983, he got the university to work to save the plant and its jobs.

"He took a high risk position by putting up $400,000 or more," said UA Faculty Senate President Don Phillips.

"He put up the money on the assumption that the university could show how the plant could save that much money."

The money financed an analysis of the plant's operation by business school faculty and graduate students.

It was agreed that if the recommendations saved money, the plant would repay the university. If the recommendations were worthless, the university would lose its investment.

"Our fall-back position was the university was buying a live laboratory in which its students could apply what they learned. If it failed, he could say the students received a valuable learning opportunity," Phillips said.

"Some of us went out there. We made a number of recommendations."

The plant achieved $700,000 in savings, the university recovered its investment, and Tuscaloosa and Alabama retained an industry.

"Thomas was very venturesome and futuristic in his approach." Phillips said.

Since then, similar arrangements have helped other state businesses, including Stockham Valve Co. in Birmingham.

The university also aided Tuscaloosa in recruiting JVC America, which located its headquarters in the university town in 1986. The firm's two manufacturing divisions now employ 350 workers.

"I think Joab Thomas has been very good for the city," said Tuscaloosa Mayor Al DuPont. "He has been invaluable in seeking new industry. He understood the needs of the city and came in here willing to help us.

"He was instrumental in leading the university and making it a total university that uses its resources to help the community and the state in innovative ways."

Bromberg recalled that Thomas once described himself as more of an innovator than an administrator.

He accomplished his goals by hiring good people, Bromberg said. "He has a knack for picking good people and retaining good people."

One of Thomas' first moves as president was restructuring the university's leadership. Most of the school's deanships were open when he came and he filled the slots quickly, setting his mark on the campus.

During his tenure, the university:

Tripled external support for faculty research, including receipt of its largest single research grant in history—a $2 million flight simulation project being conducted in the College of Engineering.

Established 11 endowed chairs in music, creative writing, broadcasting, mining engineering, computer engineering, Judaic studies, library service, law (2), geology and magnetic information technology. The chairs resulted in internationally known artists and scholars coming to the campus.

Started a Presidential Scholars program to recruit top high school students. About 150 entering freshmen receive the full scholarships each year under this program.

Increased the number of National Merit and Achievement Scholars, enrolling 63 new scholars last year.

Started a new universitywide Honors Program, which enrolled its first students in January.

Oversaw a $95 million building program, the largest in the university's history, which includes the Moody Music Building, the Paul W. Bryant Alumni/Continuing Studies Complex and the under-construction Bryant Museum, a research facility for the energy, mineral and material sciences and other renovation projects.

Implemented a $20 million campus computerization plan that includes purchase of two $5 million IBM computers that have increased 20-fold the campus' computer capability.

Initiated a successful capital campaign that netted $62 million, almost double its goal.

"He brought the school to new heights. He put it on the threshold of a new era," Bromberg said. "In finding his replacement, I think they will need to find someone who will keep that momentum going.

[From the Decatur Daily, June 28, 1988]

UA'S PRESIDENT THOMAS TO RESIGN

TUSCALOOSA.—The time is right to move on to something else, said University of Alabama President Joab Thomas today as he announced his plans to resign and return to teaching.

"I have had a wonderful and exciting stay here," Thomas told the Daily.

Thomas, 55, said he is resigning to return to the classroom as a botany professor after a one-year sabbatical at North Carolina State University at Raleigh.

"I am looking forward to becoming reacquainted with the field of botany by immersing myself in research and study for a year before returning to the classroom," Thomas said.

"Botany is my chosen field and I've simply been away from it too long. The time is right, now, for me to change that."

Thomas has been president of the university for seven years. A native of Holt, near Tuscaloosa, Thomas was chancellor of North Carolina State from 1976–81 before returning to Tuscaloosa.

Thomas A. Bartlett, chancellor of the university system, said that he will recommend by the end of July an acting president for the coming year, with the recommendation to be acted upon by the system's board of trustees.

He said a search for a successor to Thomas will start in September.

Thomas called a news conference to announce his career change.

Prior to the announcement, there was little advance notice that Thomas was contemplating quitting. But some disgruntled alumni at the university, which is prominent for its football teams and athletic program, had been openly unhappy with the way Thomas picked Bill Curry to be the football coach and Steve Sloan as athletic director.

Thomas' critics complained that he went outside the late Paul "Bear" Bryant's football family to pick Curry, who played for Georgia Tech, and did not adequately consult with key Bryant associates in making the change in late 1986. Thomas said he received some death threats from people angry with his action.

But there was no mention of the football coach selection episode in his prepared statement today.

Decatur Attorney John A. Caddell, a trustee emeritus for the university, said he was contacted by the chancellor's office Monday with the news.

"I think he has done a really outstanding service to the university in the programs he's initiated and the progress he's made toward improving the position of the university to a prestigious academic institution," Caddell said.

"I believe the things that make a university great are the quality of faculty and the quality of students," he said. "The programs he has instituted have improved both areas of the university.

"I hate for him to leave because he's been a really great leader for the university. I think he's accomplished a great deal in his term and that he's entitled to a sabbatical," Caddell said.

"I heard he was thinking about going on sabbatical and then resigning," said state Sen. Ryan deGraffenried, D-Tuscaloosa. "This is not the first I've heard of it. I heard about it several months ago and I'm not surprised. I am shocked."

DeGraffenried said, as far as he knew, Thomas was under no pressure from the board to resign.

Thomas, who held faculty and administrative positions at the university from 1961 to 1975, became the school's 26th president in July 1981 after a six-year absence during which he served as chancellor of North Carolina State University.

Thomas replaced Dr. David Mathews who resigned under faculty pressure after holding the job for 10 years.

A Harvard University graduate, Thomas joined the University of Alabama faculty in 1961 to teach biology.

He stayed at the university until 1975, working in a variety of positions, including assistant dean of the College of Arts and Sciences, dean for Student Development, dean for Student Affairs and vice president for Student Affairs.

[From the Birmingham Post-Herald, June 30, 1988]

TOUGH ACT TO FOLLOW

It would be easy to read too much into the surprise decision of Joab Thomas to step down from the presidency of the University of Alabama after seven years. He is not very popular with that segment of university supporters who think the institution's mission begins and ends on the football field.

But the possibility that Dr. Thomas was forced out because he dared to ignore the conventional wisdom of some of the more vocal supporters of Crimson Tide football doesn't hold up under closer scrutiny. It doesn't fit either his character or his future plans.

Thomas is a man of conviction, willing to take calculated risks in pursuit of his goals. He doesn't back down from controversy when it comes his way and he is convinced he is right.

In the case of the university, his goals were to rebuild the school's academic reputation and to make it a major player in the economic development of Tuscaloosa and Alabama. He has succeeded on both counts.

Under Thomas, the university has toughened its academic requirements for admission and graduation—and increased enrollment at the same time. The university's financial base has been improved.

With the university playing the lead role. Tuscaloosa has saved a General Motors plant that the automaker had planned to close. Other companies in the state have turned to the university for similar help in achieving savings in their operations. A Japanese firm, JVC America, located in Tuscaloosa because of university support.

With his record at Alabama, Thomas could almost name his price to move into an administrative position elsewhere. If he truly felt that he were under undue pressure from football interests, that would be a logical path to follow. But that is not what he intends to do.

Instead, following the pattern of two other recent presidents in the University of Alabma System, he plans to return to teaching at the school he now presides over. This desire to return to the classroom may even help explain why he has been such an effective university president. He never forgot that an administrator's role is one of support. Administrators can and should create the proper conditions but teachers do the actual work of education.

Joab Thomas will be a tough man to replace. Few individual are capable of doing all that he has done for the University of Alabama. But the next president will have the advantage of building on the strong foundation that he has created in the past seven years.

[From the Birmingham News, June 28, 1988]

JOAB THOMAS BOWING OUT AS UA PRESIDENT

(By Steve Visser)

TUSCALOOSA.—Joab Thomas—who many say rejuvenated the University of Alabama—was to announce today that he will step down as president Sept. 1.

"President Thomas' seven years will go down as a decisive era in the history of the University," said Thamos Bartlett, chancellor of the University of Alabama System.

Thomas, 55, plans to re-establish his roots in his field of botany during a year sabbatical at North Carolina State University where he was chancellor from 1976-81 before becoming the 26th president of UA.

The native of Holt said he plans to return to UA to teach biology in 1989. Thomas first taught at the University in 1961 before climbing the administrative ladder.

"I am very proud of what the University has accomplished in the past seven years," said the Harvard alumnus in a prepared statement. "Botany is my chosen field, and I have simply been away from it too long."

Bartlett, said he will recommend an acting president to be board of trustees by July 31. A national search for a successor will begin in September, he said.

Thomas set three main goals when he returned to Tuscaloosa in 1981: make UA a major research school, upgrade academic standards, and use University experts and research to boost Alabama's economy.

Thomas guided the University out of some turbulent years, Bartlett said.

"Under President Thomas' leadership, the University of Alabama first stabilized itself, then began an era of unparalleled change and growth in quality and facilities," Barlett said.

Faculty and staff morale was entering the 1980s at a new low after five presidents in 10 years, according to news reports. Particularly sour relations erupted between the faculty and Thomas' predecessor, David Mathews.

Indeed, some faculty protested that Thomas was chosen by the board of trustees without good-faith consultations with them concerning the choice for president.

But Thomas' performance soon soothed any bitterness.

Lane Rawlins, vice chancellor for academic affairs of the university system, credits Thomas with bolstering the University's academic reputation and putting it on the path to becoming a strong research institution.

"Before we had a reputation for a good football team," Rawlins said after the June trustees meeting. "We were seen as kind of a playpen university."

Thomas, however, has groused in the past that he wasn't getting the freedom and support necessary to build a first-rate institution—and once considered taking a job as chancellor of the University of Georgia in 1984.

At the time, he accused the Legislature of penny-pinching when it came to education. He has constantly preached that the University needs more money if it is to grow academically.

Accomplishments during Thomas' tenure include:

Money for faculty research. It has tripled since 1981.

Eleven endowed chairs. They were established to bring exceptional professors to campus.

A Presidential Scholars program. Begun by Thomas in 1981, it recruits about 150 top students to UA each year.

National Merit and Achievement Scholars. Last year, UA enrolled 63 such scholars, more than ever before. The University ranked 25th nationally among all institutions and 11th among all public institutions.

Raised admission standards. Standards were raised for admission, and enrollement has increased to a record 17,000 this coming fall.

Required courses. More required courses were mandated in 1983 to ensure students got a well-rounded education and the University started an Honors Program last January for the academically talented.

A $95-million building program. The largest in UA's history, it is nearing completion. A successful capital campaign netted almost double its goals with a $63 million total.

Rochester Products Plant. International publicity followed UA's help in saving the local General Motors automotive parts plant from closing in 1983 through applied research.

JVC America. UA helped bring the Japanese electronics manufacturer to Tuscaloosa in 1986. The two plants employ 350 Alabamians.

TRIBUTE TO BYRON CAUSEY

Mr. HEFLIN. Mr. President, it is my honor to rise today, in tribute to my friend, Byron Causey, of Fleahop, AL, who recently stepped down as the president of Alexander City State Junior College after serving in that position since the school was founded in 1965. More so than anyone else, Byron Causey has made the Alexander City Junior College what it is today. Without his efforts, I very seriously doubt if the college would have reached the point where it stands today or helped as many students earn an education and improve themselves, and their position in life. For all of his efforts, I know that Byron is admired and respected by so many whose lives he has touched. I wish to take this opportunity to commend Byron Causey for his efforts on behalf of the citizens of Alabama and for his service in the field of education in our State.

Byron Causey has always distinguished himself in the field of education. Before he was appointed by Gov. George Wallace as president of Alexander City Junior College he served as principal of Benjamin Russell High School in Alexander City. After Wallace was elected as Governor in 1962, he had a plan to improve the educational opportunities available to people in rural areas of our State by instituting a system of junior colleges that would supplement the existing system of higher education and enable those who wanted to learn, but could not afford the expense or did not have the opportunity to enroll in a full time 4-year college the opportunity to take classes and enrich their minds.

Byron Causey recognized the merits of such a dream, and worked with the Governor to make that dream a reality. He was instrumental in convincing the State legislature to accept Governor Wallace's plan. For his efforts, Wallace chose Byron to head Alexander City Junior College.

Although college appointments are no longer made in exchange for political activities, I can think of no better choice that Governor Wallace could have made to head the college than Byron Causey—as the President has amply demonstrated in the 23 years since his appointment. Throughout his tenure, Byron Causey has worked to improve the college and to make it more responsive to the needs of the students, the community, and the State. He has been a real innovator and his accomplishments stand as an example to college administrators throughout the country.

In addition to the excellent classes and educational opportunities the college offers in the basic subjects, Byron Causey has instituted various other programs. Among these are a prison education program that offers classes to male and female inmates so that these individuals can improve themselves while paying for their mistakes. Instead of merely biding the time until their release, these inmates have the opportunity to become better educated and will, therefore, be more productive when they are accepted back into society.

Byron also began and has fostered a successful relationship with the local business community. This productive exchange is well represented by the cooperation between the college and the Russell Corp. The Russell Corp., provided land for the school and in turn the college offers Russell employees courses in a management program. In this way, the college works together with business to make the community and the State stronger economically and more prosperous for all our citizens.

Finally, Byron has worked to promote student activities at the college that enhance the educations the students receive and bring distinction to the college, as well. One of the activities I am sure he must be most proud of is the golf team that he started, which has never finished lower than 12th in the Nation in intercollegiate competition.

In spite of all of these accomplishments, I feel certain that Byron Causey will be best remembered by the students and faculty of the college for his caring, friendly nature and his hands-on approach to college administration. He is one of a rare breed of college administrators who shows a genuine concern for the advancement, success, and happiness of each of his students. Through his concern and his care, Byron Causey has determined to a great extent the unique atmosphere that Alexander City State Junior College enjoys and the future promise it holds as an excellent learning institution.

Byron Causey should be proud of his outstanding record of achievement and of the many outstanding programs he has instigated at the college. People of his caliber and ability are often far too rare in education, and I hope that his superior record of service inspires many to follow his example by devoting their energies as he did to the building of minds through public education. Byron Causey's retirement signals the end of an era in Alabama education. He is the last of the Wallace appointees to retire. Yet future presidents have a tremendous foundation of accomplishments upon which to build for the betterment of the citizens of Alabama.

Mr. President, I ask unanimous consent that the enclosed newspaper article which describes Byron Causey's outstanding achievements be printed in the CONGRESSIONAL RECORD.

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

[From the Birmingham News, July 6, 1988]

LAST WALLACE APPOINTEE QUITS COLLEGE POST

ALEXANDER CITY.—Byron Causey, the last of George Wallace's hand-picked junior college presidents to retire, said he was surprised that 93 people applied for his job at Alexander City State Junior College.

"I knew it was a good job, but I didn't know it was quite that good," said the 60-year-old Causey, who stepped down June 30.

Causey became president of the two-year school when it opened in 1965 as part of a burgeoning junior college and technical school system fostered by then-Gov. Wallace.

State Junior College Chancellor Fred Gainous has chosen James Cornell, the president of Nunnelley State Technical College to replace Causey.

Causey, a native of Fleahop, was principal of Benjamin Russell High School in Alexander City in 1963 when he helped Wallace sell the Legislature on the idea of a network of two-year colleges. In return, Wallace promised to name him president of the college.

Presidential selection based on political payoffs is no longer tolerated. Applicants now are screened by a committee, with the chancellor making the final selection.

Alexander City employees and students say they will miss the school's first president.

"We always feel that he cares about you personally," said Anne Barkley, who works for student services at the college.

Causey says he maintained a simple philosophy about staying in contact with his students.

"If a president is too busy to talk with students, he's too busy to be president," said Causey.

Part-time student David McDaniel describes Causey as "just an all around good guy."

Looking back on his career, Causey said his proudest accomplishments are:

Starting a prison education program that offers courses to male and female inmates and helps them become productive citizens.

Beginning a golf team that has never finished lower than 12th in the nation.

Building a relationship with the Russell Corp. In Alexander City that began with the company giving land for the school and continues today with the junior college offering a management program for Russell employees.

Causey said the low point in his career came in 1983, when the school's enrollment dropped from 1,400 to 1,200 and he had to eliminate 19 faculty and staff positions.

"That was the hardest thing," he said. "I get to love all these people. It just tears me up."

Causey's decision to retire came after his 35-year-old son, William Davis Causey, died of a heart attack last year. Causey and his wife, Peggy Ann, decided they wanted to spend more time with their three grandchildren and each other.

TRIBUTE TO JUDGE STEPHEN B. COLEMAN

Mr. HEFLIN. Mr. President, it is with tremendous honor that I rise today in tribute to Judge Stephen B. Coleman, of Birmingham, AL, who has served as a bankruptcy judge for the northern district of Alabama for over 50 years. I can think of no one who has done more to influence and shape this important area of the law. The example he has set through his expertise, his professionalism, his work ethic, and his demeanor has set the standard in my region of the country, if not throughout the United States. He is known, admired, respected, and loved by friends and acquaintances throughout the Nation in all circles. The people of Alabama and America should be truly thankful for his efforts. This field would certainly not be what it is today were it not for his work.

After such extended service, during which he has administered over 75,000 cases, Judge Coleman has recently announced his intention of stepping down from the Federal bankruptcy bench at the age of 85. In a letter to me he described his thoughts at the twilight of his career, stating that he

felt "like an old warrior who has witnessed many battles." However, he is not so battle weary as to stop contributing his observations of problems which exist and adding suggestions of how the system can be improved.

It is rare, Mr. President, that the citizens of our country are blessed with the care and efforts of such a dedicated public servant. Yet, were it not for such efforts, our freedoms and liberties would not exist. I commend Judge Coleman for his efforts, and I hold him up as a standard to which all Americans should aspire. In closing, I challenge the young people of today to follow the path which Judge Coleman has blazed. It may seem rough, and untraveled, but it will have reward beyond imagination.

DR. YVONNE KENNEDY ELECTED AS 19TH NATIONAL PRESIDENT OF DELTA SIGMA THETA SORORITY, INC.

Mr. HEFLIN. Mr. President, on July 13, 1988, Dr. Yvonne Kennedy, an Alabama State representative of Mobile, AL, was elected as the 19th national president of Delta Sigma Theta Sorority, Inc. The election was held at the sorority's 75th Diamond Jubilee Convention in San Francisco, CA. It is my understanding that more than 10,000 members of the sorority, along with their families and friends, participated in this event.

Mr. President, Dr. Kennedy was elected to lead America's largest black female professional organization. According to the latest figures released at the convention, this public service sorority now boasts a membership of 175,000 college-educated women. It is a public service sorority, which seeks to encourage achievement in cultural, educational, and public service activities through five program focus areas:

First. Educational development—creating meaningful educational programs for children.

Second. Economic development—building power for urban change by mobilizing the community.

Third. Community and international involvement—joining hands with local, national, and international organizations for the improvement of human life.

Fourth. Housing and urban development—continuing interest in low-income housing.

Fifth. Mental health—developing programs and projects to better the mental health of an individual and a Nation.

As Delta's immediate past national first vice president, Dr. Kennedy has an impressive track record of outstanding accomplishments and professional service in her sorority. She has served as chairperson of its National Scholarship and Standards Committee, director of its southern region, and local president of the Mobile, AL Alumnae Chapter.

Dr. Kennedy is currently serving her third term in the Alabama House of Representatives. She represents the State's 103d District (Mobile). She is also the immediate past chair of the Alabama Black Legislative Caucus.

Dr. Kennedy wears still a third hat. She is president of Sanford D. Bishop State Junior College in Mobile, AL, and has served in that capacity since September 1981. Among her many accomplishments as chief executive officer there, she spearheaded the college's first-ever capital campaign, (also the first for any Alabama public junior college) exceeding the goal of $1 million, and led the college in the establishment of an endowment and foundation. From April 1976, to September 1981, she served as the title III coordinator at the same institution.

Mr. President, Dr. Kennedy holds a Ph.D. degree in administration and higher education from the University of Alabama and an honorary doctorate degree from Lane College (Jackson, TN). She holds a master of arts degree from Morgan State University (Baltimore, MD) and a bachelor of science degree from Alabama State University. She has also done advanced study at Columbia University (New York).

Her professional, civic, educational, and religious affiliations are too numerous to list at this time. However, I wish to note that she sits on the board of the Mobile Area Chamber of Commerce, Mobile chapter of the American Red Cross and the First Southern Federal Savings and Loan Association. She is also a member of the advisory board of the Salvation Army, of the board of the Mobile Opera Guild and a trustee of Miles College in Birmingham.

In Mobile, she has been a lifelong, active member of the Steward Memorial C.M.E. Church. She serves in many capacities there, including church school teacher and director, the Board of Christian Education.

Mr. President, this 43-year-old national leader has many tremendous challenges ahead of her. Among them is the awesome responsibility of polishing and grooming some of American's brightest and distinguished leaders on college campuses. As she continues to chart a course for this outstanding public service sorority, I pledge to her my public support.

Mr. President, I congratulate Dr. Kennedy on her most recent prestigious election. The State of Alabama is extremely proud of her. So, too, are her family, friends, and all who know her well.

IN HONOR OF ROBERT C. BYRD

Mr. BAUCUS. Mr. President, I wish to take this time to express my deep admiration and thanks to our distinguished majority leader for his years of service to this body and for his leadership of our Nation. Although he's stepping down as majority leader, I am pleased that he plans to remain in the Senate and contribute to its work.

The U.S. Senate is one of the most important institutions in our country. It is unique among the institutions of the world. Here the will of a great Nation is expressed—in war, in peace, in good times, and in bad. Leading this institution is not an easy task, for the Senate is as complex and diverse a body as are the people and Nation it serves.

It is the task of the majority leader to carry out the creed of our Founding Fathers etched into the walls of this historic chamber: "E Pluribus Unun"—from many, one. Forging consensus out of controversy and achievement out of acrimony requires extraordinary skill. It is a role I do not envy, for few could fill it with the distinction and aplomb of ROBERT BYRD.

His work has truly been a labor of love—he loves this body, its traditions, its rules, its capacity to serve the people. And he has worked to preserve the essence of the Senate in the face of modern pressures. We live in a complex world hungry for simple solutions. Senator BYRD understands this, but he has maintained the Senate's tradition of placing deliberation above dogma.

This is not to say the majority leader is buried in the dust of history. He correctly read the contemporary political landscape and answered the call of the people for more open government. He presided over the introduction of television cameras to the Senate, the primary communications medium of our day. He did this not to further his own political agenda, but to bring the Senate closer to the people.

Senator BYRD brought the convenience of television to the Senate but has refused to mold the Senate for the convenience of television. He has maintained a perspective of what this institution is and defended the basic principles upon which the Senate was founded.

We are fortunate that the distinguished gentleman plans to continue to serve in the Senate. The Senate is not losing a majority leader. It is gaining a sage schooled by experience, to whom a new generation of leaders can turn. He will be a valuable resource to this body and the country in the years ahead.

Fourteen years ago Senator BYRD described Montana's most famous son and former leader of the Senate, Mike Mansfield, as "an American gentleman." I believe ROBERT BYRD is "an American gentleman" in every sense of the title. He has served this Nation with distinction and the Senate with

profound dedication. Because of his good work, America moved one step closer toward "a more perfect Union."

I look forward to working beside Senator BYRD as we help the next majority leader prepare the Senate for the challenges of the next century.

TRIBUTE TO ROBERT BYRD

Mr. SASSER. Mr. President, I rise today to join my colleagues—on both sides of the aisle—in paying tribute to a man who has become a symbol of this great institution.

Mr. President, at the end of this Congress, ROBERT C. BYRD will retire from the majority leadership. That retirement will mark the end of an era for this body, an era marked by the unique character of this man who rose from humble beginnings in West Virginia to walk on an equal footing with heads of state from all over the world.

I do not believe it is too much to say that ROBERT BYRD has lived the American dream, and has made that dream a reality through diligence, an attention to detail and a commitment to honesty that are unstinting and unwavering.

Raised by his aunt and uncle in West Virginia, ROBERT BYRD graduated first in his high school class. In the depths of the depression, college was out of reach for many young people. And BOB BYRD took the only road available to him—hard work.

As a gas station attendant, a grocery store clerk, a ship welder, and a butcher, he earned his wages and learned his many trades. While saving for college, he developed that lasting identification with the working men and women of this country that has guided his career ever since.

Through college, through night law school, through his early career in the West Virginia State Legislature, he relied on the same qualities—perseverance, diligence, an uncompromising attention to detail.

Mr. President, I only recite those various stages of ROBERT BYRD's young life because they explain so much about his achievement.

It may be a cliche to talk about someone who's pulled himself up by his bootstraps, but in ROBERT BYRD's case the old Horatio Alger story is a myth come to life. And the result of all that persistence, all that labor, all that commitment, has been a career in public service that has left a clear and permanent stamp on the U.S. Senate.

Mr. President, the Senate, under ROBERT BYRD's leadership, is an institution that has concentrated single mindedly on the business of the American people. It is an institution that reflects ROBERT BYRD's commitment to honesty, decency, and the rule of law.

I think all of my colleagues will agree with that. And I think history will confirm that there has never been a majority leader of this body whose knowledge of the rules is so thorough, whose grasp of parliamentary procedure is so sure, and whose understanding of the nuances and protocol of this institution is so complete.

Through years of intense study ROBERT BYRD has made himself an authority on the history of the legislative process and an authority on the history of the Congress as an institution. That expertise, refined through decades of practice, has made him a true master of the legislative art.

Now skill in the esoteric art of legislative procedure isn't exactly the stuff headlines are made of. It isn't the kind of thing that's first in the minds of ROBERT BYRD's constituents back in West Virginia.

It is, however, a skill that has helped keep this body functioning during difficult and contentious times.

ROBERT BYRD is truly a man of the Senate.

But no matter how much energy and how much effort he has had to expend in keeping this institution moving, he has never forgotten where he comes from. He has never forgotten the people of West Virginia—who have returned him to his seat in the Senate with overwhelming margins in all of his campaigns since 1956.

Mr. President, I think every one of my colleagues knows that in serving in the U.S. Senate with ROBERT BYRD, we have had the privilege of serving with a truly remarkable individual.

The leader is fond, I know, of quoting poetry, and I can think of one particular set of lines that is especially apt. Rudyard Kipling once defined a "man" as one who "can walk with crowds and keep his virtue and talk with kings nor lose the common touch."

ROBERT BYRD is truly that kind of man. And the U.S. Senate will deeply miss his leadership.

Thank you.

SENATOR ROBERT C. BYRD

Mr. GLENN. Mr. President, I rise today to thank the Honorable ROBERT C. BYRD of West Virginia for his dedicated service to the Nation as he relinquishes his position as majority leader of the U.S. Senate.

Senator BYRD and I grew up about 160 miles across the Ohio River from each other and though we have taken different paths, we have served together for 14 years in the Senate. For the past 12 years he has been my leader and the leader of my party. For 6 of those years he has served as the majority leader.

I look back and recall the many battles, triumphs, and failures that we have shared over the course of three administrations: arms control, Watergate reforms, Central America, the energy crisis, terrorism and hostages, economics, trade, armed intervention in Lebanon, Grenada, and the Persian Gulf. Senator BYRD's legislative experiences and memories, of course, go far beyond my own, but clearly in terms of national policy Senator BYRD's leadership and influence have been felt for more than a generation.

Others have recalled his many accomplishments and the list is indeed long, but beyond the accomplishments I remember the leadership, the constant attention to detail, and the consistent commitment to the U.S. Senate. The Senator from West Virginia maintains a perspective above the contentious issues of the day and reminds us of the unique role that the Senate must play in our representative system of Government. At times that perspective has been delivered through his lessons on Senate history and at other times it comes at critical points in debate. In all cases, he has reminded us of the responsibilities we have been chosen to discharge.

Mr. President, the 100th Congress will truly be an end of an era. ROBERT C. BYRD of West Virginia will no longer begin and end the day's work as majority leader. We are, however, fortunate that he will still serve in the Senate and will attend to new duties. West Virginia and the Nation will continue to benefit from his service.

Annie and I extend to Erma and ROBERT C. BYRD our best wishes as a new chapter in their lives begins.

FOOD STAMP CORRUPTION IS NOT "PURPORTED"—IT'S REAL AND IT'S ENORMOUS

Mr. HELMS. Mr. President, law enforcement officers in North Carolina last week arrested 51 people on felony food stamp fraud charges. These arrests were the result of a 15-month undercover operation by the Inspector General of the U.S. Department of Agriculture. This probe uncovered rampant fraud in the Food Stamp Program, nearly $127,000 in the Charlotte area alone.

For many years, I have strongly supported efforts to streamline and clean-up our Federal welfare programs. If conducted nationwide, such efforts would result in savings of hundreds of millions of dollars—and in the process would help get this assistance to the truly needy.

But instead of admitting that fraud and abuse of these programs exist, Congress has simply thrown more money at the problem in the hope that the problem would go away—which it never will unless and until the corruption is exposed.

Recently the Washington Post referred to me as "a longtime critic of purported food stamp abuses." There is nothing "purported" about the abuses, and the Washington Post knows it.

As a matter of fact, not long before this item appeared in the Washington Post, that same newspaper had reported on the fraud in the Food Stamp Program.

Let me cite a few examples of the fraud that has taken place; then Senators can decide for themselves whether or not these are "purported" abuses.

In North Carolina, undercover agents purchased drugs—including approximately 1 kilo of cocaine for $50,000—using food stamps. The agents used food stamps to obtain stolen property, television sets, clothing, an automobile, firearms, and cash. In addition, agents used food stamps to rent hotel rooms and place bets in illegal lottery games. In April in Missouri, a similar operation netted almost identical results: food stamps exchanged for weapons, cash, sawed-off shotguns, narcotics, liquor, and prescription for drugs. In New York, more than $500,000 worth of food stamps were purchased at 60 cents for each dollar of food stamp face-value.

So, Mr. President, food stamp corruption is not just purported—it is real and it is enormous. And these are only a few of the examples of documented abuse within the Food Stamp Program. Similar activities have been uncovered in the WIC Program, the Temporary Emergency Food Assistance Program, and virtually every other Federal welfare program.

In the days ahead, I hope my colleagues will be cautious when they are told that the needy are suffering "because not enough money is being spent on Federal welfare programs." The problem with Federal welfare programs is that Congress is reluctant to go in and fix them. By eliminating waste and fraud in these programs, the taxpayers would not only be saved billions of dollars. We would be taking a giant step toward getting our precious tax dollars to the truly needy of this Nation.

Mr. President, I ask unanimous consent that a news release from the USDA and a news article from the Greensboro Daily News of August 5 be printed in the RECORD.

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

FIFTY-FIVE ARRESTED FOR FOOD STAMP FRAUD IN NORTH CAROLINA

CHARLOTTE, N.C., Aug. 4—Fifty-one North Carolina residents were arrested today on felony food stamp trafficking charges, according to U.S. Department of Agriculture Inspector General Robert W. Beuley. Beuley said four other residents were arrested Tuesday, Aug. 2, after allegedly selling undercover agents approximately one kilo of cocaine for $50,000 in food stamps.

The arrests were part of Operation STIC (Stop food stamp Trafficking In Charlotte), a 15-month food stamp trafficking investigation. During this investigation, undercover agents exchanged $126,945 in food stamps for drugs, stolen property, television sets, VCR's, firearms, clothing, and automobile and $22,945 in cash. The agents also used food stamps to rent rooms at two motels and to place bets in illegal lottery games.

Today's arrests were based on sealed indictments returned on July 25 and Aug. 2 by federal grant juries in Charlotte and Greensboro. Those indicted include the owners of employees of sixteen retail grocery stores authorized by USDA to participate in the food stamp program, owners and employees of bars, a used car lot, a motel, a beauty shop, a South Carolina base textile company, and individuals dealing in illegal drugs.

The maximum sentence for illegally acquiring $100 or more in food stamps is five years in jail and a $250,000 fine. Some of those arrested were also charged with possession of a controlled substance, which carries a maximum jail penalty of 15 years and a $250,000 fine.

Beuley stated that Operation STIC was a joint investigation by the Charlotte Police Department, the Mecklenburg County Police Department, and his office. The U.S. Attorney's offices in Charlotte and Greensboro are prosecuting.

AGENTS BEGIN ROUNDING UP 65 SUSPECTED IN FOOD-STAMP FRAUD

CHARLOTTE (AP).—Law enforcement officers Thursday began arresting 65 people as a result of a 14-month undercover operation into the illegal trafficking of nearly $127,000 worth of food stamps at 10 Charlotte-area grocery stores.

Most of the suspects were in custody by early Thursday afternoon.

Some were charged in federal indictments with exchanging drugs and guns for food stamps, U.S. Attorney Thomas Ashcraft said. Thirteen were charged with drug crimes.

"The investigation revealed that food stamps have become virtual second currency in Charlotte," Ashcraft said. "They are used to purchase cash, cocaine, marijuana, cars, televisions, VCRs, telephones, guns, clothing and other items.

"Food stamps have also been used for illegal gambling and to pay for hotel rooms."

The arrests were announced at a news conference attended by local state and federal officials, including Robert W. Beuley, inspector general of the U.S. Department of Agriculture, which runs the federal food stamp program.

"This is the kind of abuse that undermines the goal of the food stamp program, which is to provide nutritious food to the needy," Beuley said.

Beuley described the investigation as one of the largest his agency had ever been involved in.

While most of the 65 suspects live in the Charlotte area, some were from Gastonia, Huntersville and Shelby.

In addition to those 65, two Salisbury men—Cherokee Stegall Miller and Billy Finscher McSwaim Jr.—were indicted by a federal grand jury in Winston-Salem.

McSwaim was charged with buying food stamps worth $675 for $335.50 cash. Miller was charged with buying $350 in food stamps for $175 cash.

Both men worked at the Paper Poke food store in Salisbury, said Bob Edmunds, U.S. Attorney for the Middle District in Greensboro.

The investigation was dubbed Operation STIC for Stop Trafficking in Charlotte. It was launched in May 1987 after Beuley's office received a number of citizen complaints about illegal food stamp trafficking in Charlotte.

BICENTENNIAL MINUTE

AUGUST 6, 1861: LEGALIZING WARTIME ACTS OF THE PRESIDENT

Mr. DOLE. Mr. President, 127 years ago this week, on August 6, 1861, the Senate and House completed action to legalize the acts President Abraham Lincoln had undertaken during the early months of the Civil War.

Why, we might ask, did Congress have to act retroactively to endorse and make legal the President's actions? The answer is that during the 19th century, Congress generally only met for a few months each year. As was the general practice, the old Congress had ended on March 4, 1861, and the new Congress was not due to meet until the first Monday in December.

As the North and South moved inexorably toward civil war during the spring of 1861, President Lincoln might have called the Congress into session at any time, but he preferred the freedom of action that the congressional adjournment provided.

Even after the bombardment of Fort Sumter, when President Jefferson Davis called the Confederate Congress into session, Lincoln relied upon his authority as Commander in Chief to issue Executive orders that expanded the Army and Navy beyond the numbers authorized by law.

He suspended habeas corpus in border States—especially in nearby Maryland—where Confederate sympathies ran high. He blockaded Southern ports, issued a call for 3-year volunteers, and spent Federal money for military supplies without congressional approval or appropriation.

Lincoln called Congress back into special session on July 4, 1861, by which time his initial wartime actions were already accomplished facts. Since the Republican Party had won majorities in both Houses, he was confident that they would support his bold moves. And although two-thirds of the Democrats and border State Union Party members abstained from voting, the Congress approved his executive actions "as if they had been done under the previous express authority" of Congress.

RECESS

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

There being no objection, the Senate, at 11:20 a.m., recessed until 11:40 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SHELBY].

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REAGAN POLICY PAYS OFF—AGAIN AND AGAIN

Mr. DOLE. Mr. President, within the past 24 hours, we have had more evidence that the Reagan-Bush foreign policy pays off—for America, and for peace.

All Americans will welcome the announcement that Iran and Iraq have accepted the U.N.-sponsored cease-fire; and that another step forward has been taken to achieve a negotiated settlement in Angola. Both these vicious wars have gone on far too long, at far too great a cost in human life.

Though these new breakthroughs involve wars thousands of miles apart, they demonstrate this common lesson: That the Reagan-Bush foreign policy has been right all along.

When we stand up to our adversaries; when we stand firm at the bargaining table; when we stand on the side of freedom—it pays off, for America, and for peace.

It happened in Geneva and Moscow; and the result was the INF Treaty—the first real nuclear arms reduction agreement in history.

It happened in Grenada; and the result was the rescue of that small nation from the clutches of Castro's imperialism.

It happened in Afghanistan; and the result is the withdrawal of Soviet forces, and at least some hope that independence and freedom can be restored to that troubled land.

And now it is happening again. It is happening in the Persian Gulf, because we stood firm in the face of Iran attacks and bluffs; because we stood firm on the side of our allies and friends; because we rejected the efforts of some here at home, to pull the plug on our commitment through politically inspired applications of the War Powers Resolution.

It is happening in Angola because we have insisted that any settlement must be real, not cosmetic; that it must involve the total withdrawal of all Cuban troops. And because we have stood side-by-side with the UNITA freedom fighters.

It seems to me the lesson is clear: The Reagan-Bush policy works; all we have to do is let it work.

It seems to me, as well, that the lesson has great relevance for the other major issue we are grappling with now, here in the Senate.

Today we will make one last effort to forge a bipartisan consensus on our policy in Nicaragua. I know the majority leader is sincere about his desire to do that; I am equally determined to give it our best shot. It is the way we ought to go, if we can.

But I hope that all of us involved in the discussions over this issue will think again about the events of the past 24 hours, and the past 12 months—the events of Geneva and Moscow; of Afghanistan and Angola; of Grenada and the gulf.

There is a lesson there for our discussions in the Senate, and for our policy in Nicaragua.

It is a lesson that we must heed.

If anyone needs proof of the lesson, it is right there. In one day, two cease-fires announced, thousands of miles apart. But partly they were announced because of President Reagan's foreign policy: his policy in the Persian Gulf, his calling on Iran and Iraq to join in the cease-fire; and the same can be said in Angola, Namibia, and South Africa.

Again, it is foreign policy at work. It is working in Afghanistan. It can work in Nicaragua.

Right now, Ortega is consorting somewhere with Noriega. Three weeks ago, Ortega locked up all the political prisoners, shut down the newspaper and the radio.

It seems to me that the lesson should be clear. We should support those who are fighting for freedom in that country.

As I have said, we have had demonstrations all over the globe of what happens when you stand up for freedom, when you do not duck and run.

I hope we can continue the efforts of President Reagan as we pursue some agreement on Nicaragua, some agreement on Contra aid, some agreement that will have Mr. Ortega understand that Republicans and Democrats alike are fed up with his antics and with his actions in that country, where he has impoverished the people, taken away their liberty, taken away their freedom, taken away their radio, taken away their newspaper, locked up anyone who was in opposition.

It seems to me that the time has come for us to send a strong, strong, bipartisan message.

I hope that, working with the majority leader, sometime today we can make an agreement. If we cannot make an agreement, he will offer his amendment and, hopefully, I will get to offer mine, and we will see what happens.

RECESS

Mr. DOLE. Mr. President, at the request of the majority leader, I ask unanimous consent that the Senate stand in recess until 12:30 p.m.

There being no objection, at 11:51 a.m., the Senate recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERRY].

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be continued for 5 minutes.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

ROBERT C. BYRD, MAJORITY LEADER, U.S. SENATE

Mr. REID. Mr. President, as a young law student in the early 1960's, I worked in the Capitol as a Capitol policeman.

In those days, many things were different from the way they are today. For one thing, there was not as much office space on Capitol Hill as there is today. And for another, Congressmen did not need the technology and sophisticated systems needed to meet their constituents' needs that we have today.

We were a youthful country, having yet to experience the pain of assassinations of our leaders, a drawn-out, unwinnable war, and the deterioration of our environment.

Yet, with all those changes, we still see the consistency of life in many things that surround us. This beautiful building in which we meet, this Capitol Building, is as beautiful today as it was in the early 1960's when I went to school. We see our Constitution remaining strong. And we see Senator ROBERT BYRD, of West Virginia, a Senator's Senator. An admirer of the institution of the Senate, who as majority leader has actually personified the U.S. Senate.

Nearly 3 years ago, on the day of my first visit with him as a potential candidate for the U.S. Senate from Nevada, Senator BYRD did not say anything for a period of time. He looked at me. I guess he was sizing me up, appraising me, checking in his own mind my fitness for the institution that he cares so much about.

During the long campaign when I was running for the U.S. Senate, Senator BYRD kept in close touch with me. I can remember once when I was touring a plastic manufacturing plant, in a

place called Yerington, NV, one of the secretaries came to me, excited, saying, "Senator BYRD from West Virginia wants to speak to you." I went and spoke to him. He asked me if I needed some help. I said I did. He provided that help.

These past approximately 2 years that I have served in the U.S. Senate as a member of the Appropriations Committee, Senator BYRD has given me a chance on the Interior Subcommittee to do things that a freshman member ordinarily would not have the opportunity to do.

I have chaired numerous hearings for him when his leadership duties kept him from the committee. This gave me a unique view of Government agencies for which I will always be appreciative.

I look forward to working closely with Senator BYRD next year when he assumes chairmanship of the full committee.

Mr. President, history buffs like me appreciate the insight and reflection of history books on the great leaders of our time. History books reflect well on such great Senate leaders as Daniel Webster, John Quincy Adams, Henry Cabot Lodge, Lyndon B. Johnson, and many others. In the future, we will so remember ROBERT BYRD, of West Virginia.

Mr. BYRD. Mr. President, I thank my friend, Senator REID, for his overly generous and kind remarks concerning me. I hope that I may so serve as to justify his continued faith and confidence in me.

He is a Senator for whom I have the highest personal esteem. I have watched him as he has worked in the Senate since he came here, and he has not disappointed me in any respect.

I have admired him. He works hard. He is diligent. He is always there when he is needed, and he is always here representing his constituents. He is an independent thinker, but he understands the institution, and I look forward to my continuing service with HARRY REID.

OCEAN DUMPING REFORM ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2030, the Ocean Dumping Reform Act.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2030) to amend the Marine Protection, Research, and Sanctuaries Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Ocean Dumping Reform Act of 1988".

SEC. 2. FINDINGS.—The Congress finds that—

(A) ocean dumping of sewage sludge contributed to the severe environmental degradation in the New York Bight Apex;

(B) sewage sludge dumped at the 106 mile dumpsite contains pollutants similar to those which adversely affected the New York Bight Apex;

(C) ocean dumping of sewage sludge poses real but undetermined risks to the marine environment;

(D) the 106 mile dump site is the only area in the United States where ocean dumping of sewage sludge occurs;

(E) over 100 municipalities which had ocean dumped their sewage sludge have developed and implemented alternatives to ocean dumping of sewage sludge; and

(F) practical alternatives exist to ocean dumping of sewage sludge.

SEC. 3. POLICY.—It is the policy of the United States to end the ocean dumping of sewage sludge as soon as possible but not later than December 31, 1991.

SEC. 4. (a) DEFINITIONS.—Section 3 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402) is amended by inserting at the end the following:

"(m) 'Sewage sludge' means any solid, semisolid, or liquid waste generated by a wastewater treatment plant.

"(n) 'Interim dump site' means the site known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 18005)."

(b) Paragraph (1) of section 4(d) of Public Law 95-153 (33 U.S.C. 1412a(d)) is amended to read as follows:

"(1) the term 'sewage sludge' means any solid, semisolid, or liquid waste generated by a wastewater treatment plant; and".

SEC. 5. PROHIBITION ON OCEAN DUMPING OF SEWAGE SLUDGE.—The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended by inserting after section 104A the following:

"§ 104B. Prohibition on ocean dumping of sewage sludge

"(a) PROHIBITION ON NEW ENTRANTS.—The Administrator may not issue any permit under this subchapter which authorizes any person other than an eligible authority as defined in section 104A of this Act (hereinafter referred to as eligible authority), to dump, or to transport for the purposes of dumping, sewage sludge into ocean waters.

"(b) PROHIBITION.—Except as provided in subsection (c), the dumping, or the transportation for the purpose of dumping, into ocean waters of sewage sludge is prohibited six months after the date of the enactment of this Act.

"(c) COMPLIANCE AGREEMENT.—The Administrator may issue permits which authorize eligible authorities to dump, or to transport for the purposes of dumping, sewage sludge at the interim site, provided that the eligible authority has entered into a compliance agreement with the Administrator and the State in which the eligible authority is located within six months of the enactment of this Act that includes the following:

"(1) A plan that the Administrator finds, if adhered to by the eligible authority in good faith, will result in the cessation of the ocean dumping of sewage sludge by such eligible authority, through the design, construction, and placing into full operation of a system (hereinafter in this section referred to as the 'alternative system') for the management of sewage sludge of the eligible authority other than by dumping into ocean waters. The plan shall provide for the phasing out of ocean dumping if the Administrator determines such phasing out is feasible, and may include adoption of an interim system for the management of sewage sludge other than by dumping into ocean waters until an alternative system is placed into full operation.

"(2) A schedule that contains reasonable dates, as determined by the Administrator, by which the eligible authority shall complete the various activities that are necessary for the timely implementation of the alternative system under the plan. Such plan shall include, in addition to such other activities that the Administrator considers necessary or appropriate—

"(A) the determination of the kind of alternative system that will be implemented;

"(B) the preparation of engineering designs and related specifications;

"(C) compliance with appropriate Federal, State, and local regulatory requirements;

"(D) site and equipment acquisitions;

"(E) construction and testing; and

"(F) complete operation of the alternative system.

"(d) SCHEDULE IMPLEMENTATION EVALUATION.—(1) The Administrator and the Governor of the State in which the eligible authority is located shall have a continuing responsibility to evaluate the compliance of the eligible authorities with the schedule included in the compliance agreement under subsection (c).

"(2) Each eligible authority shall have a continuing responsibility to advise the Administrator and the Governor of the State in which the eligible authority is located of any problems the eligible authority has with achieving the schedule included in the compliance agreement under subsection (c).

"(e) PROHIBITION ON OCEAN DUMPING OF SEWAGE SLUDGE.—(1) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, sewage sludge from the United States into ocean waters after December 31, 1991.

"(2) It shall be unlawful for any eligible authority to dump, or to transport for the purposes of dumping, sewage sludge at the interim site if the Administrator determines that the eligible authority is not fully in compliance with the schedule included in the compliance agreement under subsection (c).

"(f) STATE REPORTS.—(1) The Governor of each State in which an eligible authority is located shall submit to the Administrator on June 30, 1989, and every year thereafter until the cessation of all ocean dumping of sewage sludge a report which describes—

"(A) the efforts of the eligible authority to comply with the schedule included under the compliance agreement under subsection (c), and

"(B) the State's activity regarding any permit for the construction and operation of the eligible authority's alternative system.

"(2) In the event that any State required to submit a report under this section fails to submit a report which the Administrator determines to be consistent with the requirements of this section, the Administrator shall withhold funds reserved for such State under section 205(g) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1285(g)). Funds withheld pursuant to this section may, at the discretion of the

Administrator, be restored to a State upon compliance with this section.

"(g) REPORTS TO CONGRESS.—The Administrator shall, within three months of receipt of the reports submitted pursuant to subsection (f), submit to the Congress a report reviewing progress made toward implementing alternatives to dumping of sewage sludge, and potential obstacles to meeting the deadline established in this section.

"(h) TECHNICAL ASSISTANCE.—Not later than three months after the date of the enactment of this Act, the Administrator shall advise the eligible authorities on available alternative sludge management technologies to the ocean dumping of sewage sludge.

"(i) CIVIL PENALTIES.—

"(1) In lieu of the maximum $50,000 civil penalty provided for under section 105(a), any person who dumps sewage sludge, or transports sewage sludge for the purpose of dumping, in violation of this section (including the schedule in the compliance agreement as required by subsection (c)) shall be liable for a civil penalty, to be assessed by the Administrator in accordance with section 105, of not less than $20, and not more than $40, for each wet ton of sewage sludge that is dumped, or transported for purposes of being dumped, into ocean waters.

"(2) The Administrator may treat the substantial compliance of an eligible authority with the requirements of this section (including the schedule in the compliance agreement as required by subsection (c)) as full compliance, if the eligible authority can show that circumstances beyond its control resulted in it achieving less than full compliance. This paragraph shall not apply to violations of subsection (e)(1).

"(j) PERMIT FEES.—

"(1) The Administrator shall prescribe by regulation and collect a fee for ocean dumping of sewage sludge authorized under this section to recover—

"(A) the costs incurred or expected to be incurred in the undertaking of measures by Federal agencies to determine compliance with the agreement entered into pursuant to subsection (c) and any other terms under which the dumping is authorized; and

"(B) the undertaking of monitoring and any associated research necessary to make a reasonable assessment of the effects on the marine environment caused by ocean dumping of sewage sludge.

"(2) Fees recovered under this subsection shall be deposited in the Clean Oceans Fund established pursuant to subsection (k).

"(k) CLEAN OCEANS FUND.—

"(1) There is established in the Treasury of the United States the Clean Oceans Fund.

"(2) The civil penalties collected by the Administrator for violations of this section and permit fees shall be deposited in the Clean Oceans Fund.

"(3) The moneys in the Fund shall be available, to the extent provided for in advance in appropriation Acts, for expenditure by—

"(A) the Administrator for carrying out monitoring and enforcement functions under this title;

"(B) the Secretary of the Department in which the Coast Guard is operating for carrying out surveillance and enforcement activities using state-of-the-art technology under this title; and

(c) the Administrator to issue grants to implement technologies and management practices necessary for controlling pollutant inputs adversely affecting the New York Bight as identified in the New York Bight Restoration plan required to be prepared pursuant to Public Law 100-220.

The moneys received under this subsection shall be treated as being supplemental to, and not in lieu of, any other funding that is authorized or appropriated for the purposes referred to in subparagraphs (A), (B) and (C).

"(l) ENVIRONMENTAL MONITORING.—(1) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall design and conduct a program of monitoring environmental conditions at the Apex site, as defined in section 104(a) of this Act, and the interim site and within the potential area of influence of the sewage sludge dumped at these sites. This program shall include sampling of an appropriate number of fish and shellfish species and other benthic organisms to assess the effects of environmental conditions on living marine organisms in these areas. The Administrator shall make use of the satellite and other advanced technologies in conducting this program.

"(2) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress within one year of the enactment of this Act a report describing its plan for conducting the monitoring program and the results of the program.

"(m) ENFORCEMENT MONITORING.—The Administrator, in consultation with the Secretary of Transportation, shall submit a report to Congress within six months after the date of enactment of this Act, outlining progress in using electronic monitoring equipment, and/or other means, to monitor and prevent the dumping of sewage sludge by vessels in transit to the interim site in areas outside the interim site.

"(n) PUBLIC PARTICIPATION.—The Administrator shall provide reasonable opportunity for public participation in the review of the establishment and implementation of compliance agreements established under this section.".

SEC. 6. CONFORMING AMENDMENTS.—(a) ISSUANCE OF PERMITS FOR OCEAN DUMPING OF SEWAGE SLUDGE.—Subsection (a) of section 4 of Public Law 95-153 (33 U.S.C. 1412a) is amended by inserting "dumping of sewage sludge after December 31, 1991 or other" after the words "authorizes any".

(b) ALTERNATIVES ASSESSMENT.—Section 2303 of Public Law 100-220 is amended by striking in paragraph (b)(8) the words "dumping of municipal sludge and".

(c) PRELIMINARY REPORT ON ALTERNATIVES.—Section 2303 of Public Law 100-220 is amended by—

(1) striking subsection (b), and

(2) relettering subsections (c), (d), and (e) as (b), (c), and (d), respectively.

SEC. 7. Section 320(a)(2)(B) of the Water Quality Act of 1987 (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Barataria-Terrebonne Bay estuary complex, Louisiana;" after "Albemarle Sound, North Carolina;".

Mr. BYRD. Mr. President, I thank the distinguished Republican leader, and I thank Senator STEVENS and other Senators.

Mr. President, I ask unanimous consent that at 1 o'clock p.m. today the Senate stand in recess until the hour of 2 o'clock p.m. today, to accommodate the two party conferences; that until that time, Senators who are interested in the ocean dumping bill may make opening remarks.

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

Mr. LAUTENBERG. Mr. President, I rise in support of S. 2030, the Ocean Dumping Reform Act of 1988. This bill will once and for all put an end to the ocean dumping of sewage sludge.

I thank the majority leader and the Republican leader for moving this important legislation.

Mr. President, I want to thank a number of Senators for their work on behalf of this legislation: The chairman of the Committee on Environment and Public Works, Senator BURDICK, and the ranking member of the committee, Senator STAFFORD, who supported this bill in committee. I particularly want to thank the chairman of the Environmental Protection Subcommittee, GEORGE MITCHELL, for his efforts in moving this legislation. No one in the Senate has demonstrated a stronger concern for protecting the marine environment than Senator MITCHELL.

I am pleased that the ranking member of the Environmental Protection Subcommittee, Senator CHAFEE, joined me in bringing this bill before the Environmental Protection Subcommittee. He and I have worked together on numerous efforts to protect the marine environment. I also want to express my thanks to my colleague from New Jersey, Senator BRADLEY, for his strong support in our efforts to protect the oceans. I also thank Senator ROTH, who is responsible for a number of the provisions which are in S. 2030, and the other cosponsors of this bill. Finally, I thank Senator MOYNIHAN and Senator D'AMATO for their support for ending the ocean dumping of sewage sludge. We have worked together on a number of initiatives to protect the oceans including full funding for sewage treatment facilities and tracking of medical wastes.

Mr. President, the events of the past few years have made clear that oceans are overburdened and fatigued. We see it in hundreds of dolphins dying mysteriously and harbor seals in the Gulf of Maine with the highest pesticide levels of any U.S. mammal on land or in water. We see it in sea turtles and seabirds who have died from entanglement with or eating plastic debris in the ocean. We see it in diseased fish, fish which are too toxic to eat, massive fish kills and closed shellfish beds. And we see it in garbage and medical waste invading our shores, closing our beaches, ruining vacations, injuring our tourist economy and threatening our health. It should be clear to everyone that we simply cannot continue to use our oceans as a garbage can.

That is why the Ocean Dumping Reform Act is so important. Ocean dumping of sewage sludge represents a throw-away approach to waste disposal which we rejected a long time ago.

Ocean dumping of sewage sludge is the least appropriate form of waste management. We will not know all the harm done by ocean dumping sewage sludge until it is too late. And there is no way to clean it up.

At Senate hearings which I chaired earlier this year, we heard clear and uncontroverted evidence that land-based alternatives for sludge dumping exist. In fact, according to EPA, 94 percent of all sewage sludge generated in the United States is disposed of on land. And just a few weeks ago, Governor Kean signed into law a bill requiring that New Jersey sludge dumpers stop ocean dumping by March 1991.

Sludge dumping at the 106 mile site involves significant risk. Sludge dumping contributed to the environmental degradation in the New York Bight apex. Sludge dumped at the 106 mile site contains the same microorganisms, metals, and organic chemicals which degraded the area around the old dump site. Since dumping at the 106 site began in full force late last year, fishermen have complained of lower catches and increases in diseased fish.

And the resources we are talking about are significant. According to the National Marine Fisheries Service, the dumped wastes could effect an area 116,000 square kilometers, from New Jersey to North Carolina. The fish and shellfish that inhabit this area make up a large portion of the commercial and recreational fisheries which contribute $1 billion a year to coastal Atlantic States.

A few weeks ago, Vice President BUSH came to the New Jersey shore and said that EPA was working hard to end ocean dumping of sewage sludge. And this past Sunday on Face the Nation. EPA Administrator Lee Thomas said that EPA was putting all the heat the Agency could muster on New York City and the other dumpers to end the dumping. But EPA just announced a proposal to allow New York City to continue dumping for another decade, 17 years after the 1981 deadline. Mr. President, you could not fry an egg with the heat EPA is putting on the dumpers to end the dumping.

In 1977, Congress adopted Congressman HUGHES' amendment to establish a 1981 deadline for ending the ocean dumping of sewage sludge. And, in 1979, at a hearing held by the Merchant Marine and Fisheries Committee, New York City Mayor Ed Koch said that the city could meet the 1981 deadline with interim measures and would have a long-term, land-based alternative to ocean dumping by the end of 1987.

Yet today, we have no deadline, no interim or long-term land-based alternatives, and no acceptable plan to end ocean dumping. Since 1981, all EPA has to show for itself is moving the dumpsite. This year, roughly 60 percent more sewage sludge will be dumped in the ocean than in 1973, the first full year the Ocean Dumping Act was in effect. And since the 1981 deadline, dumpers have dumped enough sewage sludge to fill over 50 towers the size of a World Trade Center tower.

It is clear that we cannot count on the EPA. We need a firm deadline, in the law, to end the ocean dumping of sewage sludge. Only then, will alternatives be put in place. Only then, will the dumping stop.

That is why I introduced the Ocean Dumping Reform Act of 1988. It sets December 31, 1991, as the deadline to end ocean dumping of sewage sludge once and for all. I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, the ocean is a resource that belongs to all of us—residents, tourists, businessmen whose livelihoods depend upon a clean ocean, commercial and recreational fishermen up and down the east coast who depend on the ocean's productive fishery resources, and most importantly, to future generations, who will inherit the environment we leave them. Ending the dumping of sewage sludge in the waters off of New Jersey's shore is essential. We must preserve the ocean and its resources—both for those who now use the ocean, and for those who will use it in the future.

I urge my colleagues to act favorably on S. 2030 to end the ocean dumping of sewage sludge once and for all.

EXHIBIT 1

S. 2030—SECTION-BY-SECTION ANALYSIS

SECTION 1 TITLE.—The Ocean Dumping Reform Act.

SEC. 2 FINDINGS.—Sludge dumping contributed to Bight Apex degradation. Sludge dumped at 106 site contains same pollutants dumped 12 mile site. Sludge dumping poses risks to oceans. Sludge dumping only occurs at 106 site. Over 100 former sludge dumpers have implemented land-based alternatives. Practical alternatives to sludge dumping exist.

SEC. 3 POLICY.—It is the policy of the United States to end sludge dumping as soon as possible but no later than December 31, 1991.

SEC. 4 DEFINITIONS.—"Sewage sludge" is redefined to exclude the "unreasonable degradation" language from the existing definition which the judge used in 1991 to allow New York City to continue dumping.

SEC. 5 PROHIBITION ON OCEAN DUMPING SEWAGE SLUDGE.—

(a) Bans any new entrants from ocean dumping sewage sludge in the United States.

(b) Prohibits ocean dumping of sewage sludge within six months unless dumpers enter into a compliance agreement.

(c) Allows dumping to continue if dumpers, state and EPA enter into compliance agreement and schedule to end sludge dumping.

(d) Requires EPA and states to monitor compliance with the schedule and requires dumpers to advise EPA and the states of any problems they have in implementing the schedule.

(e) Makes it unlawful to sludge dump after December 31, 1991 and to be out of compliance with the schedule to end sludge dumping.

(f) Requires the states to submit annual reports to EPA on efforts to end sludge dumping. Requires the Administrator to withhold Clean Water Act state management grants if the state fails to submit report.

(g) Requires EPA to report to Congress within three months of receiving state reports on progress to end ocean dumping.

(h) Requires EPA to provide technical assistance to dumpers on available sludge management alternatives.

(i) Establishes civil penalties for violations which are designed to exceed the cost to dumpers of implementing land-based alternatives. Allows EPA to treat substantial compliance by dumpers as full compliance where circumstances beyond control of dumpers led to less than full compliance with the compliance agreement. This provision only applies prior to 1991.

(j) Requires EPA to establish and recover fees from dumpers to cover the cost of compliance and monitoring and associated research.

(k) Establishes in the Treasury a Clean Oceans Fund made up of penalties which are available to be appropriated to EPA and the Coast Guard to carry out the Ocean Dumping Act and to implement actions recommended in the New York Bight Restoration Plan.

(l) Requires EPA and NOAA to carry out a monitoring program in areas affected by sludge dumping at the 12 and 106 mile sites.

(m) Requires EPA to report to Congress within six months on the use of electronic surveillance equipment for sludge dumping vessels.

(n) Requires EPA to provide a reasonable opportunity for public participation in review of the establishment and implementation of compliance agreements.

SEC. 6 CONFORMING AMENDMENTS.—Eliminates requirement in the New York Bight Restoration Act that EPA do analysis of land-based alternatives by 1991 and makes technical changes.

SEC. 7 Adds Barataria-Terrebonne Bay estuary complex in Louisiana to the list of estuaries which should receive priority consideration for designation under the National Estuary Program.

Mr. MITCHELL. Mr. President, I rise in strong support of the Ocean Dumping Reform Act, S. 2030.

Reports of environmental problems in marine waters have become increasingly frequent over the past several years. We have heard about beach closings in New Jersey, pollution of Boston Harbor, a large dead zone in the Gulf of Mexico, closing of shellfish areas, high levels of toxics in Puget Sound, and the death of dolphins in the mid-Atlantic. And, just recently, we learned of a new threat to the environmental quality of coastal waters—acid rain.

Over the past several months, the Subcommittee on Environmental Protection, which I chair, held a series of

hearings to review environmental trends and conditions in marine and coastal waters around the Nation.

Witnesses at the hearings agreed that coastal waters face significant environmental problems. The Congressional Office of Technology Assessment offered the stark conclusion that,

> In the absence of additional measures to protect our marine waters, the next few decades will witness new or continued degradation in many * * * coastal waters around the country.

The scope and seriousness of the threats to the marine environment were recently described in cover stories in both Time and Newsweek. I ask unanimous consent that copies of these articles be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit D.)

Mr. MITCHELL. As part of this hearing process, my subcommittee held a joint hearing with Senator LAUTENBERG's Subcommittee on Superfund and Environmental Oversight in February of this year to review the problem of ocean dumping of sewage sludge.

At this hearing, we heard testimony from Mayor Koch of New York City, Governor Kean of New Jersey, the Environmental Protection Agency, environmental organizations, the fishing industry, and other interested parties.

The testimony at this hearing provides strong evidence that ocean dumping of sewage sludge is among the most significant of the threats to the marine environment. Since that hearing, there have been numerous reports of damage to the environment and aquatic life, including burn holes in lobster and diseased fish.

In addition, we know that ocean dumping of sewage sludge can be corrected through application of land disposal alternatives which are both proven and available. Over 100 communities, including large commmunities such as Philadelphia, which used to dispose of sewage sludge at sea, have developed land-based disposal systems.

The bill we are considering today reflects the testimony provided at our hearing and the suggestions of a wide range of other interested parties. This legislation is a vital first step toward the comprehensive protection of our marine and coastal waters.

Before discussing the legislation, I want to extend my congratulations to Senators LAUTENBERG, CHAFEE, and other Members who worked to develop this legislation.

I especially want to congratulate my colleague from New Jersey, Senator LAUTENBERG. Without his leadership on this important problem, we would not be considering this legislation today. Senator LAUTENBERG focused the attention of the Congress on the environmental threats posed by ocean dumping and worked to design the best possible legislation to bring a prompt end to this disposal practice.

In future years, I believe we will look back on the passage of this legislation as a critical turning point in our understanding of the need to protect the marine environment. I hope we will remember that we owe a great debt to Senator LAUTENBERG for bringing us to this point.

The Ocean Dumping Reform Act provides a framework for ending ocean dumping of sewage sludge by December 1991.

Existing dumpers will need to enter into compliance agreements with the Environmental Protection Agency setting out plans for development of land disposal alternatives within 6 months of the date of enactment of the act. These agreements are to include a schedule of key dates for deciding on an alternative disposal method, preparing engineering plans, aquistion of sites and equipment, and complete operation of the alternative system.

The bill establishes civil penalties for violations of the act, including failure to develop a consent agreement. These penalties are designed to exceed the cost of land-based alternatives to assure that it will not be cheaper to continue ocean dumping, than to comply with the law. Permit fees area also to be established at a level to be determined by the EPA.

Penalties and permit fees are to be collected in a new clean oceans fund. This fund is to be used for monitoring ocean dump sites, enforcement activities, and for controlling other pollution to the New York Bight.

Other important provisions of the bill would provide for the active participation of State agencies and the full involvement of the public. It also calls for reports to Congress on compliance with the requirements of the act.

In closing, let me say that I recognize that the development of land based disposal methods for sewage sludge from New York City and other communities poses a formidable challenge. However, the risks to the marine environment from continued ocean dumping demand that we work together to meet this challenge.

I hope my colleagues will join me in supporting this important legislation.

EXHIBIT 1

[From Time magazine, August 1, 1988]

THE DIRTY SEAS—THREATENED BY RISING POLLUTION, THE OCEANS ARE SENDING OUT AN SOS

The very survival of the human species depends upon the maintenance of an ocean clean and alive, spreading all around the world. The ocean is our planet's life belt.—Marine Explorer Jacques-Yves Cousteau (1980)

After sweltering through a succession of torrid, hazy and human days, thousands of New Yorkers sought relief early last month by heading for the area's public beaches. What many found, to their horror and dismay, was an assault on the eyes, the nose and the stomach. From northern New Jersey to Long Island, incoming tides washed up a nauseating array of waste, including plastic tampon applicators and balls of sewage 2 in. thick. Even more alarming was the drug paraphernalia and medical debris that began to litter the beaches: crack vials, needles and syringes, prescription bottles, stained bandages and containers of surgical sutures. There were also dozens of vials of blood, three of which tested positive for hepatisis-B virus and at least six positive for antibodies to the AIDS virus.

To bathers driven from the surf by the floating filth, it was as if something precious—their beach, their ocean—had been wantonly destroyed, like a mindless graffito defacing a Da Vinci painting. Susan Guglielmo, a New York City housewife who had taken her two toddlers to Robert Moses State Park, was practically in shock: "I was in the water when this stuff was floating around. I'm worried for my children. It's really a disgrace." Said Gabriel Liegey, a veteran lifeguard at the park: "It was scary. In the 19 years I've been a lifeguard, I've never seen stuff like this."

Since the crisis began, more than 50 miles of New York City and Long Island beaches have been declared temporarily off limits to the swimming public because of tidal pollution. Some of the beaches were reopened, but had to be closed again as more sickening debris washed in. And the threat is far from over: last week medical waste was washing up on the beaches of Rhode Island and Massachusetts. "The planet is sending us a message," says Dr. Stephen Joseph, New York City's health commissioner. "We cannot continue to pollute the oceans with impunity."

As federal and state officials tried to locate the source of the beach-defiling materials, an even more mysterious—and perhaps more insidious—process was under way miles off the Northeast coast. Since March 1986, about 10 million tons of wet sludge processed by New York and New Jersey municipal sewage-treatment plants has been moved in huge barges out beyond the continental shelf. There, in an area 106 nautical miles from the entrance to New York harbor, the sewage has been released underwater in great, dark clouds.

The dumping, approved by the Environmental Protection Agency, has stirred noisy protests from commercial and sport fishermen from South Carolina to Maine. Dave Krusa, a Montauk, N.Y., fisherman, regularly hauls up hake and tilefish with ugly red lesions on their bellies and fins that are rotting away. Krusa is among those who believe that contaminants from Dump Site 106 may be borne back toward shore by unpredictable ocean currents. "In the past year, we've seen a big increase of fish in this kind of shape," he says. Who will eat them? New Yorkers, says a Montauk dockmaster. "They're going to get their garbage right back in the fish they're eating."

This summer's pollution of Northeastern beaches and coastal waters is only the latest signal that the planet's life belt, as Cousteau calls the ocean, is rapidly unbuckling. True, there are some farsighted projects here and there to repair the damage, and there was ample evidence in Atlanta last week that the Democrats hope to raise the nation's consciousness about environmental

problems. The heightened interest comes not a moment too soon, since marine biologists and environmentalists are convinced that oceanic pollution is reaching epidemic proportions.

The blight is global, from the murky red tides that periodically afflict Japan's Inland Sea to the untreated sewage that befouls the fabled Mediterranean. Pollution threatens the rich, teeming life of the ocean and renders the waters off once famed beaches about as safe to bathe in as an unflushed toilet. By far the greatest, or at least the most visible, damage has been done near land, which means that the savaging of the seas vitally affects human and marine life. Polluted waters and littered beaches can take jobs from fisherfolk as well as food from consumers, recreation from vacationers and business from resorts. In dollars, pollution costs billions; the cost in the quality of life is incalculable.

In broadcast terms, the problem for the U.S. stems from rampant development along the Atlantic and Pacific coasts and the Gulf of Mexico. Between 1940 and 1980, the number of Americans who live within 50 miles of a seashore increased from 42 million to 89 million—and the total is still mounting. Coastal waters are getting perilously close to reaching their capacity to absorb civilizations' wastes.

Today scientists have begun to shift the focus of research away from localized sources of pollution, like oil spills, which they now believe are manageable, short-term problems. Instead, they are concentrating on the less understood dynamics of chronic land-based pollution; the discharge of sewage and industrial waste and—possibly an even greater menace—the runoff from agricultural and urban areas.

Conveyed to the oceans through rivers, drainage ditches and the water table, such pollutants include fertilizers and herbicides washed from farms and lawns, motor oil from highways and parking lots, animal droppings from city streets and other untreated garbage that backs up in sewer systems and spills into the seas. Says Biologist Albert Manville of Defenders of Wildlife, a Washington-based environmental group: "We're running out of time. We cannot continue to use the oceans as a giant garbage dump."

The oceans are broadcasting an increasingly urgent SOS. Since June 1987 at least 750 dolphins have died mysteriously along the Atlantic Coast. In many that washed ashore, the snouts, flippers and tails were pocked with blisters and craters; in others, huge patches of skin had sloughed off. In the Gulf of Maine, harbor seals currently have the highest pesticide level of any U.S. mammals, on land or in water. From Portland to Morehead City, N.C., fishermen have been hauling up lobsters and crabs with gaping holes in their shells and fish with rotted fins and ulcerous lesions. Last year's oyster haul in Chesapeake Bay was the worst ever; the crop was decimated by dermo, a fungal disease, and the baffling syndrome MSX (multinucleate sphere X).

Suffocating and sometimes poisonous blooms of algae—the so-called red and brown tides—regularly blot the nation's coastal bays and gulfs, leaving behind a trail of dying fish and contaminated mollusks and crustaceans. Patches of water that have been almost totally depleted of oxygen, known as dead zones, are proliferating. As many as 1 million fluke and flounder were killed earlier this summer when they became trapped in anoxic water in New Jersey's Raritan Bay. Another huge dead zone, 300 miles long and ten miles wide, is adrift in the Gulf of Mexico.

Shellfish beds in Texas have been closed eleven times in the past 18 months because of pollution. Crab fisheries in Lavaca Bay, south of Galveston, were forced to shut down when dredging work stirred up mercury that had settled in the sediment. In neighboring Louisiana 35% of the state's oyster beds are closed because of sewage contamination. Says Oliver Houck, a professor of environmental law at Tulane: "These waters are nothing more than cocktails of highly toxic substances."

The Pacific coastal waters are generally cleaner than most, but they also contain pockets of dead—and deadly—water. Seattle's Elliott Bay is contaminated with a mix of copper, lead, arsenic, zinc, cadmium and polychlorinated biphenyls (PCBs), chemicals once widely used by the electrical-equipment industry. "The bottom of this bay is a chart of industrial history," says Thomas Hubbard, a water-quality planner for Seattle. "If you took a core sample, you could date the Depression, World War II. You could see when PCBs were first used and when they were banned and when lead was eliminated from gasoline." Commencement Bay, Tacoma's main harbor, is the nation's largest underwater area designated by the Environmental Protection Agency as a Superfund site, meaning that pollution in the bay is so hazardous that the Federal Government will supervise its cleanup.

Washington State fisheries report finding tumors in the livers of English sole, which dwell on sediment. Posted signs warn, BOTTOMFISH, CRAB AND SHELLFISH MAY BE UNSAFE TO EAT DUE TO POLLUTION. Lest anyone fail to get the message, the caution is printed in seven languages: English, Spanish, Vietnamese, Cambodian, Laotian, Chinese and Korean.

San Francisco Bay is also contaminated with copper, nickel, cadmium, mercury and other heavy metals from industrial discharges. Last year toxic discharges increased 23%. In Los Angeles urban runoff and sewage deposits have had a devastating impact on coastal ecosystems, notably in Santa Monica Bay, which get occasional floods of partly processed wastes from a nearby sewage-treatment plant during heavy rainstorms. Off San Diego's Point Loma, a popular haunt of skin divers, the waters are so contaminated with sewage that undersea explorers run the risk of bacterial infection.

U.S. shores are also being inundated by waves of plastic debris. On the sands of the Texas Gulf Coast one day last September, volunteers collected 307 tons of litter, two-thirds of which was plastic, including 31,733 bags, 30,295 bottles and 15,631 six-pack yokes. Plastic trash is being found far out to sea. On a four-day trip from Maryland to Florida that ranged 100 miles offshore, John Hardy, an Oregon State University marine biologist, spotted "Styrofoam and other plastic on the surface, most of the whole cruise."

Nonbiodegradable plastic, merely a nuisance to sailors, can kill or maim marine life. As many as 2 million seabirds and 100,000 marine mammals die every year after eating or becoming entangled in the debris. Sea turtles choke on plastic bags they mistake for jelly fish, and sea lions are ensnared when they playfully poke their noses into plastic nets and rings. Unable to open their jaws, some sea lions simply starve to death. Brown pelicans become so enmeshed in fishing line that they can hang themselves. Says Kathy O'Hara of the Center for Environmental Education in Washington: "We have seen them dangling from tree branches in Florida."

Some foreign shores are no better off. Remote beaches on Mexico's Yucatán Peninsula are littered with plastics and tires. Fish and birds are being choked out of Guanabara Bay, the entryway to Rio de Janeiro, by sewage and industrial fallout. Japan's Inland Sea is plagued by 200 red tides annually; one last year killed more than 1 million yellowtail with a potential market value of $15 million. In the North Sea chemical pollutants are believed to have been a factor in the deaths of 1,500 harbor seals this year. Last spring the Scandinavian fish industry was hard hit when millions of salmon and sea trout were suffocated by an algae bloom that clung to their gills and formed a slimy film. Farmers towed their floating fishponds from fjord to fjord in a desperate effort to evade the deadly tide.

For five years, at 200 locations around the U.S., the National Oceanic and Atmospheric Administration has been studying mussels, oysters and bottom-dwelling fish, like flounder, that feed on the pollutant-rich sediment. These creatures, like canaries placed in a coal mine to detect toxic gases, serve as reliable indicators of the presence of some 50 contaminants. The news is not good. Coastal areas with dense populations and a long history of industrial discharge show the highest levels of pollution. Among the worst, according to Charles Ehler of NOAA: Boston Harbor, the Hudson River-Raritan estuary on the New Jersey coast, San Diego harbor and Washington's Puget Sound.

Last week the EPA added six major estuaries to the half a dozen already on the list of ecologically sensitive coastal areas, targeted for long-term study. Estuaries, where rivers meet the sea, are the spawning grounds and nursaries for at least two-thirds of the nation's commercial fisheries, as well as what the EPA calls sources of "irreplaceble recreation and aesthetic enjoyment."

Although the poisoning of coastal waters strongly affects vacationers, homeowners and resort operators, its first (and often most vocal) victims are fishermen. Commercial fishing in the U.S. is a $3.1 billion industry, and it is increasingly threatened. Fisherman Richard Hambley of Swansboro, N.C., recalls that only a few years ago, tons of sturgeon and mullet were pulled out of the White Oak River. "Now that is nonexistent," he says. "There are no trout schools anymore. Crabs used to be like fleas. I'm lucky to get a few bushels." Ken Seigler, who works Swansboro's Queens Creek, has seen his income from clams and oysters drop 50% in seven years: this year he was forced to apply for food stamps. New Jersey fisherman Ed Maliszewski has used his small boat for only two weeks this year. He is trying to bail out, and so are others.

In the diet-and-wellness '80s, fish has been widely touted as a healthful food. Not only do smaller catches mean ever higher prices, but also the incidence of illnesses from eating contaminated fish—including gastroenteritis, hepatitis A and cholera—is rising around the U.S. Pesticide residues and other chemicals so taint New York marine waters that state officials have warned women of childbearing age and children under 15 against consuming more than half a pound of bluefish a week; they should never eat striped bass caught off Long Island. Says Mike Deland, New England re-

gional administrator for the EPA: "Anyone who eats the liver from a lobster taken from an urban area is living dangerously."

Fish and shellfish that have absorbed toxins can indirectly pass contaminants to humans. Birds migrating between Central America and the Arctic Circle, for example, make a stopover in San Francisco's wetlands, where they feast on clams and mussels that contain high concentrations of cadmium, mercury and lead. Says Biologist Gregory Karras of Citizens for a Better Environment: "The birds become so pulluted, there is a risk from eating ducks shot in the South Bay."

Despite the overwhelming evidence of coastal pollution, cleaning up the damage, except in a few scattered communities, has a fairly low political priority. One reason: most people assume that the vast oceans, which cover more than 70 percent of the world's surface have an inexhaustible capacity to neutralize contaminants by either absorbing them or letting them settle harmlessly to the sediment miles below the surface. "People think 'Out of sight, out of mind,'" says Richard Curry, an oceanographer at Florida's Biscayne National Park. The popular assumption that oceans will in effect heal themselves may carry some truth, but scientists warn that this is simply not known. Says Marine Scientist Herbert Windom of Georgia's Skidaway Institute of Oceanography: "We see things that we don't really understand. And we don't really have the ability yet to identify natural and unnatural phenomena." Notes Sharron Stewart of the Texas Environment Coalition: "We know more about space than the deep ocean."

Marine scientists are only now beginning to understand the process by which coastal waters are affected by pollution. The problem, they say, may begin hundreds of miles from the ocean, where nutrients, such as nitrogen and phosphorus, as well as contaminants, enter rivers from a variety of sources. Eventually, these pollutants find their way into tidal waters. For the oceans, the first critical line of defense is that point in estuaries, wetlands and marshes where freshwater meets salt water. Marine biologists call this the zone of maximum turbidity—literally, where the water becomes cloudy from mixing.

There, nutrients and contaminants that have dissolved in freshwater encounter the ionized salts of seawater. The resulting chemical reactions create particles that incorporate the pollutants, which then settle to the bottom. As natural sinks for contaminants, these turbidity zones protect the heart of the estuary and the ocean waters beyond.

But the fragile estuarine systems can be overtaxed in any number of ways. Dredging can stir up the bottom throwing pollutants back into circulation. The U.S. Navy plans to build a port in Puget Sound for the aircraft carrier U.S.S. *Nimitz* and twelve other ships: the project will require displacement of more than 1 million cu. yds. of sediment, with unknown ecological consequences. Similarly, natural events such as hurricanes can bestir pollutants from the sediment. The estuarine environment also changes when the balance of freshwater and salt water is disturbed. Upstream dams, for example, diminish the flow of freshwater into estuaries: so do droughts. On the other hand, rainstorms can cause an excess of freshwater runoff from the land.

Whatever the precise cause, trouble begins when the level of pollutants in the water overwhelms the capacity of estuaries to assimilate them. The overtaxed system, unable to absorb any more nutrients or contaminants, simply passes them along toward bays and open coastal areas. "When the system is working," says Maurice Lynch, a biological oceanographer at the Virginia Institute of Marine Science, "it can take a lot of assault. But when it gets out of whack, it declines rapidly."

It is then that the natural growth of sea grass may be ended, as has happened in Chesapeake Bay, or sudden blooms of algae can occur, particularly in stagnant waters. The exact reasons for these spurts of algal growth are unknown. They can be triggered, for example, by extended periods of sunny weather following heavy rains. Scientists believe algal growth is speeded up by the runoff of agricultural fertilizers. The burgeoning algae form a dense layer of vegetation that displaces other plants. As the algae die and decay, they sap enormous amounts of oxygen from the water, asphyxiating fish and other organisms.

Some kinds of algae contain toxic chemicals that are deadly to marine life. When carcasses of more than a dozen whales washed up on Cape Cod last fall, their deaths were attributed to paralytic shellfish poisoning that probably passed up the food chain through tainted mackerel consumed by the whales. Carpets of algae can turn square miles of water red, brown or yellow. Some scientists speculate that the account in *Exodus 7:20* of the Nile's indefinitely turning red may refer to a red tide.

When such blights occur in coastal areas, the result can be devastating. Last November a red tide off the coast of the Carolinas killed several thousand mullet and all but wiped out the scallop population. Reason: the responsible species, *Ptychodiscus brevis*, contains a poison that causes fish to bleed to death. Brown tides, unknown to Long Island waters before 1985, have occurred every summer since: they pose a constant threat to valuable shellfish beds.

A study of satellite photographs has led scientists to believe that algae can be conveyed around the world on ocean currents. The Carolinas algae, which had previously been confined to the Gulf of Mexico, apparently drifted to Atlantic shores by way of the Gulf Stream. One species that is native to Southern California is thought to have been carried to Spain in the ballast water of freighters.

The effects of man-made pollution on coastal zones can often be easily seen; far less clear is the ultimate impact on open seas. The ocean has essentially two ways of coping with pollutants: it can dilute them or metabolize them. Pollutants can be dispersed over hundreds of square miles of ocean by tides, currents, wave action, huge underwater columns of swirling water called rings, or deep ocean storms caused by earthquakes and volcanoes.

Buried toxins can also be moved around by shrimp and other creatures that dig into the bottom and spread the substances through digestion and excretion. Though ocean sediment generally accumulates at a rate of about one-half inch per thousand years, Biogeochemist John Farrington of the University of Massachusetts at Boston cites discoveries of plutonium from thermonuclear test blasts in the 1950s and 1960s located 12 in. to 20 in. deep in ocean sediment. Thus contaminants can conceivably lie undisturbed in the oceans indefinitely—or resurface at any time.

There is little question that the oceans have an enormous ability to absorb pollutants and even regenerate once damaged waters. For example some experts feared that the vast 1979 oil spill in the Gulf of Mexico would wipe out the area's shrimp industry. That disaster did not occur, apparently because the ocean has a greater capacity to break down hydrocarbons than scientists thought. But there may be a limit to how much damage a sector of ocean can take. Under assault by heavy concentrations of sludge, for example, the self-cleansing system can be overwhelmed. Just like decaying algae, decomposing sludge robs the water of oxygen, suffocating many forms of marine life. What effect chronic contamination from sludge and other wastes will have on the oceans' restorative powers is still unknown.

Rebuckling the planet's life belt may prove formidable. The Federal Clean Water Act of 1972 overlooked runoff pollution in setting standards for water quality. Meanwhile, the nation's coasts are subject to the jurisdiction of a bewildering (and often conflicting) array of governmental bodies. One prime example of this confusion, reports Time Houston Bureau Chief Richard Woodbury, is found in North Carolina's Albemarle-Pamlico region. There both the federal Food and Drug Administration and a state agency regulate the harvesting of shellfish. A third agency, the state health department, surveys and samples the water and shellfish. And another state body sets the guidelines for opening or closing shellfish beds. Complains Douglas Rader of the Environmental Defense Fund: "The crazy mix of agencies hurts the prospects for good management."

Lax enforcement of existing cleanwater policies is another obstacle. According to Clean Ocean Action, a New Jersey-based watchdog group, 90% of the 1,500 pipelines in the state that are allowed to discharge effluent into the sea do so in violation of regulatory codes. Municipalities flout the rules as well. Even if Massachusetts keeps to a very tight schedule on its plans to upgrade sewage treatment, Boston wil not be brought into compliance with the Clean Water Act until 1999—22 years after the law's deadline. Meanwhile, the half a billion gallons of sewage that pour into Boston Harbor every day receive treatment that is rudimentary at best.

Some communities are leading the way in trying to preserve their shores and coastal waters. In March the legislature of Suffolk County on Long Island passed a law forbidding retail food establishments to use plastic grocery bags, food containers and wrappers beginning next year. Sixteen states have laws requiring that the plastic yokes used to hold six-packs of soda or beer together be photo- or biodegradable. Last December the U.S. became the 29th nation to ratify an amendment to the Marpol (for marine pollution) treaty, which prohibits ships and boats from disposing of plastics—from fishing nets to garbage bags—anywhere in the oceans. The pact goes into effect at the end of this year.

Compliance will not be easy. Merchant fleets dump at least 450,000 plastic containers overboard every day. The U.S. Navy, which accounts for four tons of plastic daily, has canceled a contract for 11 million plastic shopping bags, and is testing a shipboard trash compactor. It is also developing a waste processor that can melt plastics and turn them into bricks. The Navy's projected cost of meeting the treaty provision: at least $1 million a ship. Supporters of the Marpol treaty readily acknowledge that it will not

totally eliminate plastic pollution. "If a guy goes out on deck late at night and throws a bag of trash overboard," says James Coe of NOAA's National Marine Fisheries Service in Seattle, "there's no way that anyone will catch him."

Stiff fines and even prison sentences may get the attention of landbound polluters. Under Administrator Mike Deland, the EPA's New England office has acquired a reputation for tough pursuit of violators. In November 1986 the agency filed criminal charges against a Providence boatbuilder for dumping PCBs into Narragansett Bay. The company was fined $600,000 and its owner $75,000; he was put on probation for five years.

Washington is one of the few states with a comprehensive cleanup program. Three years ago, the Puget Sound water-quality authority developed a master plan for cleaning up the heavily polluted 3,200-sq.-mi. body of water. The state legislature has levied an 8¢-a-pack surtax on cigarettes to help pay the bill; this year the tax will contribute an estimated $25 million to the cleanup. The Puget Sound authority and other state agencies closely monitor discharge of industrial waste and are working with companies on ways to reduce effluent.

An aggressive effort is being made to limit runoff as well. Two counties have passed ordinances that regulate the clearing of land and the installation and inspection of septic tanks. Farmers are now required to fence cattle away from streams. Zoning has become more stringent for construction in a critical watershed area: a single-family house requires at least two acres of land. The number of livestock and poultry per acre is also controlled.

The Puget Sound group has an educational program that teaches area residents everything from the history of the sound to what not to put down the kitchen sink. Controlling pollution is promoted as everyone's task. High school students take water samples, and island dwellers have been trained in what to do if they spot an oil spill. Says Seattle Water-Quality Planner Hubbard: "Bridgetenders are great at calling in with violations. They are up high, and when they see a black scum or a little slick, they let us know about it."

Officials hope the cleanup program will have the same result as a decades-long effort mounted by the Federal Government and four states in the Delaware River estuary, an area ringed by heavy industry and home to almost 6 million people. The Delaware's pollution problems began in Benjamin Franklin's day. By World War II, the river had become so foul that airplane pilots could smell it at 5,000 ft. President Franklin Roosevelt even considered it a threat to national security. In 1941 he ordered an investigation to determine whether gases from the water were causing corrosion at a secret radar installation on the estuary.

Although the Delaware will never regain its precolonial purity, the estuary has been vastly improved. Shad, which disappeared 60 years ago, are back, along with 33 other species of fish that had virtually vanished. Estuary Expert Richard Albert calls the Delaware "one of the premier pollution-control success stories in the U.S."

Such triumphs are still rare, and there is all too little in the way of concerted multinational activity to heal the oceans. That means pollution is bound to get worse, warns Clifton Curtis, president of the Oceanic Society, a Washington-based environmental organization: "We can expect to see an increase in the chronic contamination of coastal waters, an increase in health advisories and an increase in the closing of shellfish beds and fisheries." Those are grim tidings indeed, for both the world's oceans and the people who live by them.—by Anastasia Toufexis.

[From Newsweek, Aug. 1, 1988]

DON'T GO NEAR THE WATER—AFTER DECADES OF ABUSE, OUR WATERS ARE DYING. IS IT TOO LATE TO SAVE THEM?

With 9 million people competing for a place in the sun, New Yorkers are used to a little hassle—and a little mess—with their summertime fun at the beach. But this year is different: for the past several weeks, beaches from Staten Island to the eastern Long Island resort towns have been intermittently shut down by a trickle of potentially hazardous medical waste—sutures, hypodermic needles, catheter bags and vials of blood. Where the debris came from is anybody's guess, and frustrated state and city officials have been quarreling about the likely source. But the beachgoing public, fearful of the fact that several of the mysterious blood samples have tested positive for AIDS, is observing New York's latest garbage crisis by staying home in droves.

New York's problem is by no means unique: along with a gruesome array of other garbage, hospital waste has floated ashore on beaches from Maine to Texas in the past year. Beach closings because of bacterial contamination are even more commonplace. This summer public-health authorities in locations from the New Jersey shore to San Francisco have been forced to suspend bathing because of sewage-plant breakdowns. Nearly a third of Louisiana's oyster beds are routinely closed because of pollution and half the shellfish beds in Galveston Bay, Texas, are off limits to fishermen. Temporary or not, all these local pollution alerts underscore what responsible environmentalists say is now a full-blown national crisis: the wholesale contamination of U.S. coastal waters by millions of tons of sewage, garbage, toxic chemicals and other contaminants. Although the United States is now disposing of its human and industrial waste more carefully than ever before, there is mounting evidence that the ocean, like the land, is faring badly under the ecological stress imposed by man. It may well be, as New York City Health Commissioner Dr. Stephen Joseph suggested, that "the planet is sending us the message that there is a line beyond which we cannot go."

Drawing that line—establishing a tolerable balance between the needs of industrial society and the health of the biosphere—is what environmental regulation is all about. While the nation has made real progress in protecting its land, air and drinking water, most Americans are still largely ignorant of pollution's impact on the oceans and coastal waters they depend upon so heavily. That impact cannot be calculated with precision. But signs of progressive deterioration are sadly abundant along many of the nation's most beautiful bays, estuaries and seashores. Ocean pollution is not only apparent when bathing beaches are closed because of waterborne contamination. It is evident every time a shellfish bed is put off limits to clamming or oyster harvesting, and it is implicated when whole species of fish—the striped bass in the Hudson River, for example—are declared unfit for human consumption. Many environmentalists blame pollution for the rising number of fish kills, whale kills and red tides that are becoming familiar events in coastal communities from Maine to California.

BLACK MAYONNAISE

The problem for most landlubbers, of course, is that most of the effects of coastal pollution are hard to see. Bays and estuaries that are now in jeopardy—Boston Harbor, for example, or even San Francisco Bay—are still delightful to look at from shore. What is happening underwater is quite another matter, and it is not for the squeamish. Scuba divers talk of swimming through clouds of tiolet paper and half-dissolved feces, of bay bottoms covered by a foul and toxic combination of sediment, sewage and petrochemical waste appropriately known as "black mayonnaise." Fishermen haul in lobsters and crab covered with mysterious "burn holes" and fish whose fins are rotting off. Offshore, marine biologists track massive tides of algae blooms fed by nitrate and phosphate pollution—colonies of floating microorganisms that, once dead, strangle fish by stripping the water of its life-giving oxygen.

Pollution problems of one degree or another can be detected virtually anywhere along the coastline of the continental United States. This is due partly to advances in the measuring methods used by modern science: trace elements of DDT, for example, are now identifiable in the sediments of many bays and estuaries, although DDT has been banned for nearly 20 years. But technology is only confirming what ecologists have been saying all along—that the slow buildup of chemical contaminants in coastal waters must have consequences, and that it is at best shortsighted to regard the ocean, as many shore dwellers do, as a place where pollution can be dumped out of sight and out of mind. "The environmental prophecies of the late '60s and early '70s are unfortunately coming to pass," says Les Kaufman, a research scientist at the New England Aquarium in Boston. "People have to look at [the environment] as an organism. That's not hippie talk. It's reality."

GROWING COSTS

A primary cause of coastal pollution is human sewage, which continues to foul bays and beaches despite federal efforts to ban offshore disposal. Since Congress passed the Clean Water Act of 1977, federal, state and local agencies have spent more than $100 billion improving the nation's sewage systems to what EPA calls the "secondary treatment" level. (Secondary treatment means that 90 percent of all solid waste is removed from sewage effluent.) It can be argued that the money was well spent: more than half the nation's population now disposes of its sewage in ways the EPA deems safe, and the quality of many coastal and inland waterways—notably the Great Lakes—has improved substantially as a result (page 48). But maintaining current EPA standards is likely to cost as much as $400 billion more by the year 2000—and this time, unless Congress changes its mind, state and local governments will have to foot most of the bill.

There are gaping flaws in the facade of septic progress, however. One of them is the fact that the Clean Water Act did not require pollution controls on storm sewers. Storm sewers connect the numberless grates and drains on the streets of almost every city and town in America; they dispose of rainwater. It is a fact of urban life that storm sewers also collect large amounts of pollutants—gas, oil, antifreeze, fertilizer and pesticides—then deposit the resulting mess

in the nearest waterway. Christine Reid, a Santa Monica, Calif., city councilwoman, blames Los Angeles-area storm sewers for much of the pollution that befouls Santa Monica Bay. "Many of us just aren't attentive to the things we don't see," Reid sighs. "The people sweeping dog doo in the gutter don't realize that their kids will be surfing in it."

GREASE BALLS ON THE BEACH

By far the worst problem with offshore sewage pollution is the fact that some of the nation's biggest metropolitan areas have never quite complied with the Clean Water Act. New York (page 46) is a prime example; so is Boston. Despite the sparkling redevelopment of the Boston waterfront, Boston Harbor is one of the worst coastal cesspools in the nation. Three million people live within a 25-mile radius of the harbor, and nearly all the human and industrial waste of the metropolitan area winds up in its waters. The harbor bottom contains high concentrations of DDT and PCB's, a chemical compound that is widely used in electrical equipment and suspected of being a carcinogen. Local beaches are littered with grease balls, tampon applicators and the occasional condom—all of which are apparently released by the antiquated and overloaded sewage system.

At best, the Boston system offers what is politely known as "primary" treatment—which means that sewer sludge is separated from waste water, and then both are dumped into the harbor. "If that sounds unbelievable," says Paul Hauge of the Conservation Law Foundation of New England, "it's because it is." At worst—after a heavy rainstorm, for example—the whole system breaks down and raw sewage, plus whatever is flushed off local streets, is channeled into the harbor through "combined sewer overflows." Boston is belatedly beginning to clean up its act—but only after local environmental groups took the local sewer authority to court. The authority must stop dumping sewage sludge into Boston Harbor by 1991, and the beaches should be free of garbage by 1995. Secondary treatment should begin by 1999, 11 years after the Clean Water Act deadline. Environmentalists think Boston Harbor will begin to recover sometime in the next century.

THE SEALS OF EAGLE HARBOR

No one is betting that industrial pollutants like PCB's will disappear. Boston Harbor is only one of many coastal waterways whose bottoms may have been permanently contaminated with chemical waste and toxic metals. Other areas with especially difficult toxic-waste problems include New York Harbor, parts of the Mississippi River estuary in southern Louisiana and parts of Galveston Bay. Three areas of Puget Sound, the vast inland sea that is the pride of the Pacific Northwest are so heavily polluted they have been designated toxic-hazard sites on the EPA's Superfund cleanup list. The bottom sediments and tidal flats of Commencement Bay—an inlet bordered by oil refineries, chemical plants, pulp mills and a defunct copper smelter—are loaded with pretrochemicals, copper, lead, zinc and arsenic. Nearby Eagle Harbor is so polluted that much of its rapidly diminishing population of English sole can no longer reproduce, and the area's harbor seals once registered one of the highest levels of PCB contamination ever recorded.

Bay-bottom contamination by heavy metals and organic chemicals poses an environmental double whammy. Many such pollutants become more concentrated as they travel up the food chain. The obvious conclusion is that fish from polluted waters should not be eaten. New York state officials, to cite just one example, warn consumers not to eat more than one serving per week of any fish taken in coastal waters, the Hudson River or Lake Erie; women of childbearing age and children under 15 are advised not to eat many New York State fish at all.

The other problem with contaminated bottom sediment is that there is no good way to get it out. Some pollutants, such as DDT and PCB's, are extremely long-lasting chemical compounds that have spread very widely in rivers, bays and tidal muck. Dredging the bottom only spreads them further, which is why environmentalists often oppose dredging projects for navigation or development. And though some officials now say polluted sediment can be "capped" with a layer of clean fill, that remedy is probably useful in only a few, relatively small problem areas.

DEAD ZONE

Marine ecologists are equally concerned by what is known as "nonpoint" pollution of coastal waters. Nonpoint pollution is a grab-bag term that refers to all forms of unregulated runoff from the land. Its environmental threat comes chiefly (though not exclusively) from silt and from nitrogen and phosphorous compounds used as fertilizers. These nutrients, which are not in themselves toxic, feed algae blooms which can gradually suck the dissolved-oxygen content from bays and inlets, choking off both plant and animal life. American farmers use enormous amounts of fertilizer on their crops, much of which is lost in runoff to the sea. Nutrient runoff may be contributing to the growth of a 3,000-square-mile "dead zone" near the mouth of the Mississippi River in the Gulf of Mexico. But farmers aren't the only culprits: in the metropolitan Northeast, says Dan Dudek of the environmental Defense Fund, much of the fertilizer runoff can be attributed to millions of zealous suburbanites feeding their lawns.

Nonpoint pollution is now a problem in virtually every bay and estuary in the United States, and it is certain to get worse. It is made more acute by coastal development—the process of ditching, draining and filling wetlands that previously served both as breeding grounds for marine life and as filters for pollution from the land. At least half the nation's coastal wetlands have now been lost to "helter-skelter" development, the EPA's Rebecca Hamner says. The long-term impact on fish, shrimp, crabs and other food sources can only be guessed at, but pollution from nitrogen and phosphorous compounds is already altering the balance of nature in some of the nation's most productive fishing grounds. Albemarle and Pamlico Sounds, in North Carolina, are a case in point. Veteran crabbers like Gray Paul of Core Point, N.C., who has been fishing the Pamlico River for 20 years, say their catches have dropped by half in the past two years because the river's oxygen content has been depleted. More and more, Paul says, Pamlico Sound's blue crabs are coming ashore in a desperate search for oxygen. "Last night they were even climbing on top of the pier because of the dead water," he says.

The burden of nonpoint pollution is demonstrated all too well in Chesapeake Bay, one of the the mid-Atlantic region's busiest waterways. Like other endangered estuaries, the Chesapeake has clearly benefited from federal and state controls on point-source pollution from sewage and industrial plants. But fertilizer and pesticide runoff from upstream farms is still a major problem. In addition, according to a recent study by the Environmental Defense Fund, approximately 25 percent of the nitrogen pollution in the bay probably comes from acid rain—a finding that may have enormous implications for other coastal waters and for the continuing campaign to pass acid-rain legislation.

Curbing nutrient polution is now a primary focus of government and private efforts to save the Chesapeake. Maryland, Virginia, Pennsylvania and the District of Columbia have agreed to an ambitious campaign to reduce the bay's nutrient levels by 40 percent by the year 2000. That will require billions of dollars in government funding and a small revolution in current soil-management techniques, such as creating buffer zones to control fertilizer erosion. Environmentalists like Ann Powers, vice president of the Chesapeake Bay Foundation, are "guardedly optimistic" about the future although development pressures around the bay are still increasing. "The real question," Powers says, "Is whether a fragile resource like the Chesapeake can exist in the middle of a megalopolis."

CITIES BY THE SEA

The question is not less relevant to the nation as a whole. Fully 70 percent of the U.S. population is already clustered within 50 miles of one coastline or another, and that concentration is increasing: America is gradually becoming Megalopolis-by-the-Sea. The consequences for coastal waters are obvious, and the federal government is stepping up its efforts to protect marine life and marine habitats. Under the Water Quality Act of 1987, EPA now has the authority to address nonpoint pollution. The same law established a national estuaries program to involve the federal government in state and local efforts to clean up the Chesapeake, the Great Lakes, Long Island Sound, Puget Sound, San Francisco Bay, Albemarle and Pamlico Sounds, Narragansett Bay, R.I., and Buzzards Bay, Mass. Last week EPA expanded that list to include Santa Monica Bay, Galveston Bay, Sarasota Bay, Delaware Bay and New York harbor as well.

The overriding point to shore-dwelling Americans is that marine pollution can no longer be dismissed as the special concern of scientists or environmental extremists. The costs of coastal contamination are large and very direct, as a recent study of New Bedford Harbor, Mass, by the National Oceanic and Atomospheric Administration suggests. Like the waters around Boston and New York, New Bedford Harbor is dying from a massive dose of toxic and nutrient pollutants. By NOAA's estimate, that pollution has already cost the town nearly $50 million—$2.1 million in lost revenues to local lobstermen, $1.9 million lost to the recreational fishing industry, $14.7 million in lost tourism and $30 million in reduced property values. The cost of averting further damage, in New Bedford and nationwide, is likely to be very high—but Americans on balance, have little choice but to do what still needs to be done.

[From Newsweek, Aug. 1, 1988]

NEW YORK'S KING-SIZE SEWAGE PROBLEM

Churning up the algae-stained waters around New York City's 26th Ward sewage-treatment plant, a 325-foot sludge boat toots its horn and heads out to sea, brim-

ming with 710,000 gallons of treated human-waste. The tanker is part of a small fleet that plies the ocean 24 hours a day, annually releasing 8 million tons of sludge from New York City and eight neighboring sewer authorities into the Atlantic. Bobbing in gentle ocean swells, the boats slowly zigzag across a patch of ocean 106 miles off-shore, releasing their cargo in jet-black plumes.

The boats haven't always traveled so far. For most of the past century, sludge barges and other haulers have made the waters off New Jersey and New York one of the world's most odious garbage dumps. Just 12 miles offshore, the ocean floor is littered with everything from rusting drums of low-level radioactive waste to turn-of-the-century rubble from subway tunnels and cholera-infested tenements. Shortsighted dumping of sewage, harbor dredgings and caustic industrial acids has fouled the beaches, killed millions of fish and laced once rich clam and oyster beds with deadly PCB's.

The federal Environmental Protection Agency officially banned sludge dumping as of 1981, but the New York-area sewage commissions successfully challenged the rule in court. Though they won the right to keep dumping, they eventually agreed to ferry the waste farther offshore and release it slowly to prevent high concentrations. Local officials, including New York Mayor Ed Koch, maintain that the current system poses no danger to aquatic life, but fishermen and environmentalists disagree. They say the old dump site is a virtual "dead sea" and they fear that dumping at the new site-located just off the continental shelf and in the heart of some of the nation's richest fishing grounds—will shatter a fragile marine ecosystem.

LITTLE CHOICE

Right or wrong, the sludge dumpers may be living on borrowed time. Congress, responding to pressure from fishermen and disgusted beach bathers, is poised to pass legislation in August banning all ocean sludge dumping by 1992. New York City officials are scrambling for ways to comply with the imminent ban, but none of the alternatives look promising. Burning the waste in incinerators would add new pollutants to the region's already dirty air. And composting it on open land would require open space that the crowded area lacks. Either alternative would inspire bitter political protest and would be a huge financial burden. Given the volume of sewage involved—New York City produces 1.7 billion gallons every day—officials say they have little choice but to continue dumping some of the sludge at sea.

The problem isn't likely to be resolved before the turn of the century. But even if New York manages to stop dumping sludge into the ocean (as 200 other coastal communities already have), that alone won't save the nearby waters. The city's sewage system is so rickety that it shuts down during heavy rains—unloading raw sewage, 1.7 billion gallons at a time, directly into the harbor.

[From Newsweek, Aug. 1, 1988]

IN HEALTH THERE ARE NO BORDERS

The New River stretches only about 80 miles, from the Mexican border into California's lush Imperial Valley, yet it holds the distinction of being the most polluted waterway on the continent. Great clumps of foam gush into the river from a large drain near its source in Mexicali and cascade across the U.S. border like tiny icebergs. Human feces float along, dumped directly from the city's antiquated sewer system. Bottles, bags and an occasional dead cat bob past, probably from Mexicali's municipal dump site, located on a tributary. Health experts have found 28 viruses—including typhoid, salmonella and polio—in the fetid waters, along with carcinogenic chemicals like chloroform and benzene. In some spots levels of fecal coliform bacteria have been measured at 5,000 times the U.S. standards for safe human contact.

There are similar horror stories all across the southern U.S. border: booming Mexican cities, unable to accommodate their growth, are spewing human and industrial wastes virtually unchecked into shared waterways. Every day, 8 million gallons of Tijuana's excess sewage inundate the Tijuana River, upsetting the ecological balance of California wetlands and forcing officials to keep two miles of beach near San Diego permanently closed. There are no sewage-treatment plants at all in Nuevo Laredo and Juarez, across the border from El Paso, Texas; human waste flows untreated into the Rio Grande. The rivers also contain hazardous chemicals, dumped by industrial facilities along the border. Environmentalists charge that at least some of the offenders are U.S.-owned maquiladora plants, taking advantage of Mexico's cheap labor and lax enforcement of environmental laws.

Dozens of commissions have convened since the 1940s to discuss the border pollution problems. But cleanup efforts remain pitifully scant. Under a recent $1.2 million pact, U.S. funds are now helping to restore Mexicali's sewage-treatment system. Still, the New River remains as contaminated as ever. California officials, meanwhile, are pressing Congress to help fund a $40 million "defensive pipeline" that would channel Tijuana's sewage back into Mexico before it threatens San Diego Bay. In the end, solving the problems will require much greater international cooperation—and a greater commitment of funds. "In health, there are no borders," sighs Jose L. Gonzalez, director of the health department in Laredo, Texas, where officials fear an outbreak of typhoid tracked in from the Rio Grande. "We're beginning to be scared about the powerlessness on our side."

[From Newsweek, Aug. 1, 1988]

TOXINS, TOXINS EVERYWHERE—THE GREAT LAKES REEL UNDER AN INVISIBLE ASSAULT

As marine scientists puzzle over the fate of the oceans, other researchers think they have seen the future—in the Great Lakes. Thirty years ago it seemed that the vast waters of the world's largest inland reservoirs could absorb anything and everything man dumped into them. But by the late 1960s Lake Erie was dying, and parts of the other four seemed poised to follow. A deluge of industrial effluents was poisoning the waves. Fish were dying in awesome numbers as the remains of algae that thrived on sewage and farm runoff depleted the water's oxygen supply. The mighty lakes, it turned out, were not infinitely resilient—and that points to a larger lesson. "I think the oceans will experience the same thing," warned Lyman Wible of the Wisconsin state division of environmental standards.

If the Great Lakes offer a cautionary tale, they also illustrate what money, technology and political will can accomplish. Since 1972 the United States and Canada have spent $9 billion to clean the lakes, primarily by building or improving sewage-treatment plants. On Lake Michigan's Green Bay, for instance, the 25 paper mills and municipal sewage systems that together disgorged some 400,000 pounds of organic waste a day 20 years ago now spew out just one-eighth that amount. And tougher federal laws have curtailed other "point sources" of pollution, such as factories and mines.

While the Great Lakes may look and smell better, they remain deeply troubled waters. "We are now dealing with the next generation of diffused, widespread and insidious toxic substances," says William Brah of the Center for the Great Lakes, a Chicago-based policy group. At least 400 hazardous chemicals—including PCBs's, pesticides, cadmium and lead—are found in the lakes. Some have been there for decades, demonstrating that, contrary to the beliefs of a more innocent age, the lakes do not cleanse themselves, at least not quickly. (PCB's, from electronics manufacturing, will remain in sediments for centuries.) And the lakes continue to absorb a variety of "nonpoint" pollutants, such as pesticides and fertilizers from distant farms, lead from gasoline and petroleum products carried in runoff from cities.

Many insidious pollutants seem to ride the winds, something environmental scientists recognized only recently. PCB's, for example, have been detected in the air above Lake Superior near Duluth, even though they haven't been produced in the region in years. The fact that they're turning up in the lake water, not just on the muddy bottom, is further evidence that the winds are continually depositing the contaminants. Other pollutants in Lake Superior include toxaphene, an insecticide used mainly in the southern United States, and DDT, banned in the United States in 1972 but still used in Latin America. The bottom line, says Steven Eisenreich, a professor of environmental engineering at the University of Minnesota, is that "any chemical discharge in the Northern Hemisphere can find its way into the Great Lakes."

FISHY TUMORS

Typically, the chemicals are present in minute concentration—they are often measured in parts per trillion in the water. But that is no reason for complacency. Plants and animals "bioaccumulate" the substances, increasing their concentration with every step up the aquatic food chain. Since people eating lake fish would accumulate even higher concentrations of the chemicals, health authorities have banned carp fishing in Green Bay since 1984 and advise people not to eat large chinook salmon or rainbow trout. Although the health effects of the chemicals aren't clear, the lakes' denizens are hardly thriving on them. Tumors and other pollution-related deformities are widespread in the fish, for instance. And in the St. Lawrence River, which drains the lakes, bodies of beluga whales keep washing ashore. Riddled with PCB's, mercury, DDT and the carcinogen benzo-a-pyrene, "the whales should have signs on them saying 'toxic-waste container'," says geneticist Joseph Cummins of the University of Western Ontario.

The Great Lakes have shown that better sewage treatment and controls on factory effluents can clean up the most obvious trash and stench. Checking toxic chemicals, especially those borne by the wind, will be much harder—but every bit as important. As the lakes' history makes clear, even waters that stretch to the horizon will not absorb man's garbage without suffering, perhaps irreversibly.

Mr. WEICKER. Mr. President, I first commend Senator LAUTENBERG for his interest in these matters. It is an interest, I might add, that existed long before refuse showed up on the surface of the waters. Clearly these matters have been of particular concern to him, and I think he should be complimented in the way he pursued them.

I also noticed my good friend, the Senator from Rhode Island, JOHN CHAFEE, here. In my party I do not think there is anyone so given to the cause of conservation and the environment as JOHN CHAFEE, here. I think he has done an outstanding job in pursuing this and many other matters as they affect our air, land, and water.

Mr. President, we have a visible problem which seems to be upsetting to residents along the Atlantic seashore, and it should be upsetting, but not only because it is visible. Furthermore, the upset should last longer than just the 3-month swimming season. The fact is, if what you see looks bad what you do not see is worse.

If any one of you shared with me experiences of going to the ocean floor or the floor of any body of water, then you can appreciate what it is that man is doing to the water environment. To us it is nauseating to see needles, garbage, and sewage on our beaches. On the other hand, under the surface where there used to exist abundant plant life—it is dying.

The Atlantic Ocean, Long Island Sound, you name whatever body of water you care to, the fact is they are not toilet bowls for man. They look expansive, look massive, look like you can do anything you want to. Well, we have been doing anything we want to for decades. The time has come to cease and desist. The oceans cannot take any more.

The stress on the marine environment has come to the point where our greatest natural resources will be denied to us within our generation—never mind our children and our grandchildren—within our time.

About 4 years ago the entire diadema population, those are the spiny sea urchins that nobody likes to see or step on, was wiped out—in South America, throughout the whole Gulf of Mexico, and the Caribbean—wiped out. What used to exist in the millions indeed if not billions, was wiped out, totally wiped out. Within the last several months they are making a comeback, but nobody knows what occurred.

Within the last 2 years, the coral population has been bleached. The coral reefs, which in effect are the forests of the sea, bleached again from South America right through the entire Caribbean. Nobody has the answer as to why.

In both instances, some have guessed changes in the temperature of the water, some have guessed a bacteria might be involved, but nobody knows. Such is the state of our knowledge—or the lack thereof.

Within the past several years we have also seen the kill of both porpoise and whales off our Atlantic beaches. Now nature is telling us something. Unfortunately we do not have the knowledge to precisely pinpoint the cause, and that is part of the problem, but nature is telling us something—as life in all of its form, plant and animal—is being destroyed.

Most recently, we have the disease that seems to be attacking both the lobsters and the crabs far out to sea off the Continental Shelf. They are getting burn holes in their shells and they are dying. Again, we do not have the answer. Some evidence indicates it might not be sewage sludge; but, on the other hand, there are those who still hold the sludge suspect.

Today's legislation stops ocean dumping; ocean dumping, I might add, both by New York and New Jersey. New Jersey is to be commended because they have agreed to stop dumping on their own.

The PRESIDING OFFICER. The Senator will suspend for one moment.

The hour of 1 o'clock has arrived. Under the previous order, we are to recess the Senate.

Mr. WEICKER. Mr. President, I ask for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. WEICKER. New York is to be commended for the fact that its Senators, both of them, are supporting this legislation. In the Northeast we do not have mountains and all the rest of the natural wonders that are associated with many of the other States of the Union. Our greatest natural resource is our waters—New Jersey, New York, Connecticut, Rhode Island, Massachusetts—that is it. And the time has come to give our ocean protection, not to use it as the Nation's toilet bowl.

The time has come to go ahead and put money into research. The time has come to give NOAA the same appropriations that you give to NASA. Nobody supports the space program more than I do. On the other hand, one has to get on his knees to beg for a few hundred thousand dollars in research, while billions go on to space. And yet this water that we deal with so carelessly covers 75 percent of the Earth's surface.

Money for research—indeed, when the lobster and crab problem arose the other day, it took everything I could do and every chip that I could expend to get $500,000 for a study to find out what is going on. Do people feel the fish population, lobsters, crabs, are worth $500,000 for this great metropolitan area of the Nation? Apparently not too many people felt it was a priority as, indeed, they feel there is no rush; there will be plenty of time to clean up the water at some later date. But we are past the point of no return. It is over. The waters are spitting right back at us. So I urge my colleagues to pass this legislation, and I commend my colleagues from the affected States.

I might add, it is nothing to say that Connecticut is exempt, because every time one of our secondary sewage treatment facilities has a glitch—and, like anything mechanical, they get glitches—what do you think happens? The bypass valve is turned on and we bypass it, as do the communities in New Jersey and New York and everywhere else.

That is understandable as a matter of emergency. But, in a preplanned way to throw it into the ocean and to throw it into the sound, no; no more. And that is what this legislation says. It ought to be passed.

Again, my thanks to my good friend from New Jersey, FRANK LAUTENBERG, for bringing this to the floor of the Senate. I hope it will be on its way before the afternoon's end.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 1:03 p.m., recessed until 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FORD].

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered. The Senate will come to order.

IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

The PRESIDING OFFICER. The Secretary of the majority.

The Secretary to the majority, C. Abbott Saffold, announced their presence as follows:

I have the honor to announce the managers on the part of the House of Representatives to conduct proceedings on behalf of the House concerning the impeachment of Alcee L. Hastings, judge of the U.S. District Court of the Southern District of Florida.

The PRESIDING OFFICER. The managers on the part of the House

will be received and assigned their seats.

(The Sergeant at Arms escorted the managers to the seats assigned to them in the area in front of the Chair.)

The PRESIDING OFFICER. The Sergeant at Arms will make a proclamation.

The Sergeant at Arms, Henry K. Giugni, made proclamation, as follows:

Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Alcee L. Hastings, judge of the U.S. District for the Southern District of Florida.

The PRESIDING OFFICER. The managers on the part of the House will proceed.

Mr. Manager RODINO. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the articles of impeachment which have been preferred by the House of Representatives against Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida. The House adopted the following resolution which, with the permission of the Senate, I will read.

House Resolution 511 in the House of Representatives, August 3, 1988:

Resolved, That PETER W. RODINO, Jr., JOHN CONYERS, Jr., DON EDWARDS, JOHN BRYANT, HAMILTION FISH, Jr., and GEORGE W. GEKAS, Members of the House of Representatives, are appointed managers to conduct the impeachment trial against Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida.

These managers are instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to try the impeachment of Alcee L. Hastings of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against that judge which have been agreed upon by the House of Representatives.

These managers shall demand that the Senate take order for the appearance of Alcee L. Hastings to answer such impeachment and demand his conviction and appropriate judgment thereon.

With the permission of the President and the Senate, I will now read the articles of impeachment.

House Resolution 499 in the House of Representatives, August 3, 1988:

Resolved, That Alcee L. Hastings, a judge of the United States District Court for the Southern District of Florida, be impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Alcee L. Hastings, a judge of the United States District Court for the Southern District of Florida, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

From some time in the first half of 1981 and continuing through October 9, 1981, Judge Hastings and William Borders, then a Washington, D.C. attorney, engaged in a corrupt conspiracy to obtain $150,000 from defendants in United States v. Romano, a case tried before Judge Hastings, in return for the imposition of sentences which would not require incarceration of the defendants.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE II

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings and William Borders, of Washington, D.C., never made any agreement to solicit a bribe from defendants in United States v. Romano, a case tried before Judge Hastings.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE III

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings never agreed with William Borders, of Washington, D.C., to modify the sentences of defendants in United States v. Romano, a case tried before Judge Hastings, from a term in the Federal penitentiary to probation in return for a bribe from those defendants.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE IV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings never agreed with William Borders, of Washington, D.C., in connection with a payment on a bribe, to enter an order returning a substantial amount of property to the defendants in United States v. Romano, a case tried before Judge Hastings. Judge Hastings had previously ordered that property forfeited.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE V

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' appearance at the Fountainebleau Hotel in Miami Beach, Florida, on September 16, 1981, was not part of a plan to demonstrate his participation in a bribery scheme with William Borders of Washington, D.C., concerning United States v. Romano, a case tried before Judge Hastings, and that Judge Hastings expected to meet Mr. Borders at that place and on that occasion.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VI

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings did not expect William Borders, of Washington, D.C., to appear at Judge Hastings' room in the Sheraton Hotel in Washington, D.C., on September 12, 1981.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath, make a false statement which was intended to mislead the trier of fact.

The false statement concerned Judge Hastings' motive for instructing a law clerk, Jeffrey Miller, to prepare an order on October 5, 1981, in United States v. Romano, a case tried before Judge Hastings, returning a substantial portion of property previously ordered forfeited by Judge Hastings. Judge Hastings stated in substance that he so instructed Mr. Miller primarily because Judge Hastings was concerned that the order would not be completed before Mr. Miller's scheduled departure, when in fact the instruction on October 5, 1981, to prepare such order was in furtherance of a bribery scheme concerning that case.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VIII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District

Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' October 5, 1981, telephone conversation with William Borders, of Washington, D.C., was in fact about writing letters to solicit assistance for Hemphill Pride of Columbia, South Carolina, when in fact it was a coded conversation in furtherance of a conspiracy with Mr. Borders to solicit a bribe from defendants in United States v. Romano, a case tried before Judge Hastings.

Wherefore, Judge Alcee L. Hastings, is guilty of an impeachable offense warranting removal from office.

ARTICLE IX

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that three documents that purported to be drafts of letters to assist Hemphill Pride, of Columbia, South Carolina, had been written by Judge Hastings on October 5, 1981, and were the letters referred to by Judge Hastings in his October 5, 1981, telephone conversation with William Borders, of Washington, D.C.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE X

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath, make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on May 5, 1981, Judge Hastings talked to Hemphill Pride by placing a telephone call to 803-758-8825 in Columbia, South Carolina.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XI

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on August 2, 1981, Judge Hastings talked to Hemphill Pride by placing a telephone call to 803-782-9387 in Columbia, South Carolina.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on September 2, 1981, Judge Hastings talked to Hemphill Pride by placing a telephone call to 803-758-8825 in Columbia, South Carolina,

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XIII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that 803-777-7716 was a telephone number at a place where Hemphill Pride could be contacted in July 1981.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XIV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on the afternoon of October 9, 1981, Judge Hastings called his mother and Patricia Williams from his hotel room at the L'Enfant Plaza Hotel in Washington, D.C.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact concerning his motives for taking a plane on October 9, 1981, from Baltimore-Washington International Airport rather than from Washington National Airport.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XVI

From July 15, 1985, to September 15, 1985, Judge Hastings was the supervising judge of a wiretap instituted under chapter 119 of title 18, United States Code (added by title III of the Omnibus Crime Control and Safe Streets Act of 1968). The wiretap was part of certain investigations then being conducted by law enforcement agents of the United States.

As supervising judge, Judge Hastings learned highly confidential information obtained through the wiretap. The documents disclosing this information, presented to Judge Hastings as the supervising judge, were Judge Hastings' sole source of the highly confidential information.

On September 6, 1985, Judge Hastings revealed highly confidential information that he learned as the supervising judge of the wiretap, as follows: On the morning of September 6, 1985, Judge Hastings told Stephen Clark, the Mayor of Dade County, Florida, to stay away from Kevin "Waxy" Gordon, who was "hot" and was using the Mayor's name in Hialeah, Florida.

As a result of this improper disclosure, certain investigations then being conducted by law enforcement agents of the United States were thwarted and ultimately terminated.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XVII

Judge Hastings, who as a Federal judge is required to enforce and obey the Constitution and laws of the United States, to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety, and to perform the duties of his office impartially, did, through—

(1) a corrupt relationship with William Borders of Washington, D.C.;

(2) repeated false testimony under oath at Judge Hastings' criminal trial;

(3) fabrication of false documents which were submitted as evidence at his criminal trial; and

(4) improper disclosure of confidential information acquired by him as supervisory judge of a wiretap;

undermine confidence in the integrity and impartiality of the judiciary and betray the trust of the people of the United States, thereby bringing disrepute on the Federal courts and the administration of justice by the Federal courts.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

Mr. President, the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, and also of replying to his answers which he shall make unto the articles preferred against him, and of offering proof to the same and every part thereof, and to all and every other article of accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said Alcee L. Hastings may be put to answer the misdemeanors in office which have been charged against him in the articles which have been exhibited to the Senate, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice. Mr. President, the managers on the part of the House of Representatives, by the

adoption of the articles of impeachment which have just been read to the Senate, do now demand that the Senate take order for the appearance of the said Alcee L. Hastings to answer said impeachment and do now demand his conviction, and appropriate judgment thereon.

Mr. BYRD. Mr. President, at this time the oath should be administered in conformance with article I, section 3, clause 6 of the Constitution, which provides in part: "The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation." Therefore, I move that Mr. THURMOND, the senior Senator from South Carolina, be designated to administer the oath to the President pro tempore, the distinguished Senator from Mississippi, Mr. STENNIS, who in turn should administer the oath to the next Senator in point of seniority, Mr. PROXMIRE.

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

Mr. THURMOND. Mr. President, I will now administer the oath to the President pro tempore of the Senate, Senator JOHN C. STENNIS.

Senator STENNIS, if you will raise your right hand: You do solemnly swear that in all things appertaining to the trial of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, now pending, you will do impartial justice according to the Constitution and laws. So help you God?

Mr. STENNIS. I do.

(Mr. SANFORD assumed the Chair.)

Mr. STENNIS. Senator PROXMIRE, you do solemnly swear that in all things appertaining to the trial of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

Mr. PROXMIRE. I do.

(Mr. PROXMIRE assumed the Chair.)

Mr. BYRD. Mr. President, the oath shall now be administered by the Presiding Officer to all Senators. If any Senator has cause to be excused from this service, now is the appropriate time to make that known. If there is no Senator who desires to be excused, I move that the Presiding Officer administer the oath to the Senators.

The PRESIDING OFFICER (Mr. PROXMIRE). Is there objection? The Chair hears none. It is so ordered.

Senators shall now be sworn: You do solemnly swear that in all things appertaining to the trial of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

SENATORS. I do.

The PRESIDING OFFICER. Any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make the fact known to the Chair so that the oath may be administered as soon as possible to the Senator.

Mr. BYRD. The Secretary will note the names of the Senators who have been sworn, and will present to them for signing a book which will be the Senate's permanent record of the administration of the oath.

Mr. President, the next step is to issue a summons to Judge Hastings which directs him to answer the articles of impeachment and to abide by and obey the further orders, directions, and judgments of the Senate. The Sergeant at Arms will serve the summons on Judge Hastings. In accordance with prior practice, the managers on the part of the House will have the opportunity to file a replication to the answer. Accordingly, on behalf of myself and the distinguished minority leader, Mr. DOLE, I send to the desk a resolution for the issuance of a summons with respect to the articles of impeachment against Alcee L. Hastings, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

S. RES. 456

A resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Alcee L. Hastings

Resolved, A summons shall be issued which commands Alcee L. Hastings to file with the Secretary of the Senate an answer to the articles of impeachment no later than September 8, 1988, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The managers on the part of the House may file with the Secretary of the Senate a replication no later than September 23, 1988.

SEC. 5. The Secretary shall notify counsel for Alcee L. Hastings of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

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

The resolution (S. Res. 456) was agreed to.

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

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

Mr. BYRD. Mr. President, the question whether Judge Alcee L. Hastings engaged in impeachable conduct was the subject of consideration in the judicial branch for 4 years from the time that complaints were filed by several of Judge Hastings' fellow judges on March 1983. The judicial branch concluded its proceedings in March 1987, when Chief Justice William Rehnquist transmitted to the Speaker of the House of Representatives a certification that Judge Hastings had "engaged in conduct which might constitute one or more grounds for impeachment." Following the Chief Justice's certification to the House in March 1987, the House of Representatives studied this matter in subcommittee and full committee, and then voted on the articles of impeachment last week.

It is now the Senate's responsibility to render a verdict on the 17 articles of impeachment that are now before us. In fairness to both the House of Representatives and Judge Hastings, we should not attempt to complete the trial of this impeachment in the few weeks that remain before the adjournment sine die of this Congress.

There is historical precedent for the Senate's carrying an impeachment over from one Congress to the next. This was done in 1933 in the impeachment of Judge Louderback. The question of doing so, however, has never been the subject of a report by a committee to the Senate. In addition to advice on that subject, the Senate would benefit from a recommendation on the appropriate use in this impeachment of an evidentiary committee under Senate Impeachment Rule XI to help prepare for the Senate's taking up of the articles early in the next Congress.

Accordingly, on behalf of myself and the distinguished minority leader, Mr. DOLE, I ask unanimous consent that the Committee on Rules and Administration shall report to the Senate by September 23, 1988, on (a) the authority of the Senate to continue in the next Congress proceedings on the impeachment of Judge Alcee L. Hastings; (b) the appropriate use, in the pending

impeachment, of Senate Impeachment Rule XI; and (c) any other matter which may assist the Senate in a fair trial of the pending impeachment.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The Senate will take further appropriate order and notify the House of Representatives and counsel for Judge Hastings.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, Senator DOLE and I have been talking and he is waiting further word in relation to the Contra aid amendment. I believe it would be a good use of the time for the moment to proceed with the ocean dumping bill and maybe that within a few minutes we could have an understanding as to where we go on the Contra aid amendment.

For the time being, therefore, Mr. President, I suggest the managers of the ocean dumping bill proceed and those Senators who have amendments may call them up, and I will be prepared to announce a little later this afternoon as to where we go on the DOD appropriation bill and with the Contra aid amendment.

But there is no point in our putting in a quorum call awaiting final decision on that and no point in having a recess when we have business we can be doing. So we will proceed accordingly.

OCEAN DUMPING REFORM ACT

The Senate continued with the consideration of S. 2030.

Mr. CHAFEE. Mr. President, we are now continuing the consideration of the Ocean Dumping Reform Act of 1988.

Mr. President, I strongly support the passage of this legislation, the Ocean Dumping Reform Act of 1988. In particular I welcome with open arms the support of our two Senators from New York, Senators D'AMATO and MOYNIHAN, in approving this bill.

I must confess to a certain sense of Deja Vu. It is my recollection that Congress and EPA, a decade ago, required New York to end the ocean disposal of sludge by 1981. Now here we are in 1988, mandating an end to ocean dumping by the end of 1991.

In fact, Congress made its intent regarding ocean dumping very clear when, in 1972, it passed the Ocean Dumping Act, which stated:

> The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare or amenities, or the marine environment, ecological systems, or economic potentialities.

Despite this declaration, here we are 16 years later still permitting the dumping of sewage sludge, which contains high levels of heavy metals and is known to be toxic, in our coastal waters. I am concerned, and the fishermen of my State and of New England are concerned, that this sludge is already having an adverse effect on the fisheries. One lobsterman in my State has organized a committee, the committee for the cessation of ocean dumping, or COD, to try and put a halt to this dumping. This fisherman maintains that his take of lobster from an area affected by this sludge is down 80 percent. No research has been done to determine whether the decline in lobsters is due to dumping at the 106 mile site, but one thing is clear: pollutants in the ocean are already threatening the $6 billion U.S. commercial and recreational fishing industry.

A startling 33 percent of U.S. shellfish beds are closed due to health-threatening levels of pollution.

The bill we are now considering will establish once and for all that ocean dumping is not an acceptable alternative for the disposal of sludge.

First of all, Mr. President, we are going to be using the word "sludge" here a lot today. What sludge is is the remnants when the liquids are drained out of the sewage disposals. That constitutes sludge, and that is what is currently being dumped by the city of New York and some municipalities in New Jersey at the site roughly east of New York at 106 miles off the coast.

What we are saying in this legislation is that this ocean dumping at the 106-mile site, which is the site that EPA has determined is where this ocean sludge from the municipalities in New Jersey and the city of New York is currently being dumped, we are saying in this legislation that that is no longer acceptable; there must be an alternative found.

This legislation is long overdue, but we must begin to take this first major step in restoring the oceans to a healthy state.

This legislation, introduced by Senators LAUTENBERG, ROTH, myself and others, will prohibit dumping at the 106 mile disposal site after 1991, and will require those municipalities utilizing the site to develop environmentally sound alternatives to ocean disposal.

What we are doing is we are giving them 3½ years—the balance of 1988, all of 1989, all of 1990, and all of 1991.

If dumping municipal sludge in the ocean were the only or the best alternative, then we could accept that, reluctantly. But EPA has said unequivocally that the States utilizing the 106-mile dump site have not fuly explored other options. This legislation will require them to explore those options and to use them. In other words, we end it. We end the ocean dumping.

Now, is this an onerous burden to place on these municipalities? What about all the other municipalities which are located inland, whether they be Kansas City or St. Louis or Detroit, or wherever they might be? They have found methods of disposing of their sewage sludge, and so have the other cities along our coastal waters.

Philadelphia has found innovative methods for dealing with its sludge, and through pretreatment is able to utilize sludge products for land reclamation. Cities in the Midwest do not have ocean dumping of sludge as an option, and have found other, more environmentally sound methods for dealing with sludge.

Yet for Coastal States, the temptation to use the ocean as a dumping site is hard to resist. In the case of municipal sludge, this temptation must be resisted. We cannot continue to jeopardize the well-being of our fisheries and the health of our ocean.

It is unfortunate that it takes a situation like we have today, with medical waste washing up on our beaches, to capture the attention of the American public and of Congress. But perhaps this recent plethora of medical waste washing up on our beaches in New York, New Jersey, and the New England States, including mine, perhaps this is in a way a blessing in disguise, because it is spurring us to recognize that there must be a halt not only to the dumping of sewage sludge but all dumping into our oceans.

Last week, in the Senate we dealt with the medical waste disposal through the Medical Waste Tracking Act of 1988, which my colleague from New Jersey was active in. Last week, the Senate passed, as I mentioned, that legislation. Finally, we have received a message that we must make the tough decisions necessary to protect our marine environment.

Mr. President, I urge my colleagues to join with me in support of this much-needed legislation.

In conclusion, I would like to say that finally we are recognizing that there is a limitation to what the oceans can absorb. They cannot continue to take the beating that we, a civilized nation, have inflicted upon the oceans. And it is not only us. There was an article in our local news-

paper at home the day before yesterday indicating what is happening in Europe. The Baltic, the North Sea, the Atlantic Ocean bordering France, Portugal, Spain, across the Mediterranean are becoming increasingly polluted due to the discharges that mankind makes in those bodies of water.

So let us in America set an example and show that we can end this ocean dumping and preserve our oceans for the future generations to enjoy.

I thank the Chair.

AMENDMENT NO. 2822

(Purpose: to ban the dumping of medical waste in oceans and navigable waters)

Mr. DODD. 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 Connecticut [Mr. DODD] proposes an amendment numbered 2822.

Mr. DODD. 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 amendement is as follows:

On page 6, line 1, insert "and medical waste" immediately after "sludge".

On page 10, following line 5, insert the following new subsection and redesignate subsequent subsections accordingly:

"(i) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, medical waste from the United States into ocean waters."

At the end of the bill add the following new sections:

"SEC. . Section 3 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1402) is amended by adding at the end thereof the following:

'(m) The term "medical waste" shall include syringes, hypodermic needles, vials or babs containing blood specimens, surgical gloves, and such additional items as the Administrator shall prescribe by regulation.'.

"SEC. . Section 301(f) of the Federal Water Pollution Control Act (33 U.S.C. 1311(f)) is amended by inserting 'or medical waste' immediately after 'radioactive waste'.

"SEC. . Section 502 of the Federal Water Pollution Control Act is amended by inserting the following at the end thereof:

'(20) The term "medical waste" shall include syringes, hydodermic needles, vials or bags contraining blood specimens, surgical gloves and such additional items as the Administrator shall prescribe by regulation.'.".

Mr. DODD. Mr. President, I ask unanimous consent that Senators LAUTENBERG, CHAFEE, BRADLEY, and WEICKER be added as cosponsors of this amendment.

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

Mr. DODD. Mr. President, first of all, let me commend my distinguished colleague from New Jersey, Senator LAUTENBERG, and my distinguished colleague from Rhode Island, Senator CHAFEE, for the fine work they have done on this particular legislation and for bringing this matter to the floor as expeditiously and as thoughtfully as they have. It obviously has been done in a timely fashion.

I could not agree more with my colleague from Rhode Island when he speaks of what has happened to our shorelines in the Northeast, particularly New Jersey, New York, and Connecticut. Last weekend, Mr. President, virtually all of the beaches in Connecticut were shut down. On one of the hottest weekends in the history of our State, we saw our constituents precluded from enjoying the wonderful beaches and waters of Long Island Sound. As we have heard, the problem now extends to Rhode Island and beyond.

I spoke with the Governor of Massachusetts, Governor Dukakis, just yesterday. He told me the medical waste problem is becoming a serious one in that State, in the Cape Code area, and the nearby islands, where this product is moving with the constant tides in that direction.

As Governor Dukakis told me yesterday, when his father was practicing medicine more than a generation ago, there was no such thing as a lot of medical wastes. They reused hypodermic needles and related products, rather than making everything disposable. With the increase of disposability of medical equipment, of course, how one handles it and disposes of it has become a serious problem.

This amendment, Mr. President, is very simple. It would amend the Marine Protection, Research, and Sanctuaries Act and the Federal Water Pollution Control Act to ban the dumping of all medical waste in our oceans and navigable waters. We would get tough on those who dump these wastes in our oceans and rivers and streams by imposing stiff penalties on those who would violate this act.

Our oceans, rivers, and streams are among our Nation's most precious resources, as this overall legislation reflects. The problem of coastal water pollution seems to be growing to crisis proportions. The unfortunate occurrences of medical wastes washing ashore certainly have made that point as clear as can be.

This amendment, and the bill that we are considering today, is a step toward dealing with the enormous burden we are placing on our Nation's waters. Again, I want to commend my colleagues for bringing up this act. I am grateful to them, as well, for the cosponsorship of this amendment.

As I look to my distinguished colleague now serving in the Chair, he is one who is one of the great sailors of the Senate on the high seas. My colleague from New Jersey also is someone who enjoys the waters of New England.

Just last weekend I sailed across Long Island Sound into Gardiners Bay. Having grown up on Long Island Sound, I must tell you the condition of that body of water is appalling even beyond the question of medical waste. The trash and the plastics that are floating along as part of the flotsam in that wonderful body of water are a sad sight to see. It is not just medical waste. The tides of medical waste washing ashore have heightened the issue of water pollution in general. It is tragic to see these wonderful bodies of water being destroyed, and we are destroying them. There is no question about it. So this is a timely piece of legislation and I hope this amendment will make it even a better one.

I thank the Chair and yield the floor.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Connecticut. He and I, like our distinguished colleague from Rhode Island, know the price of having the purity of water, the accessibility for recreation, the value to our way of life in having those oceans clean and not under assault.

I would commend the Senator from Connecticut for this amendment and tell you that I support it and recommended its adoption.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to congratulate our distinguished colleague from Connecticut on this amendment. What he has done is to add medical waste as one of these wastes which are prohibited under the Ocean Dumping Act with the penalties that go thereto.

For instance, we already have under the Clean Water Act, and likewise he is amending that, we already recognize, for instance, radioactive waste as a specific waste that is prohibited. Or chemical warfare waste.

What the distinguished Senator from Connecticut has done is to add to this medical wastes. That is a good approach. Because thus we pick up the existing penalties and he has strengthened those that exist under the two acts that I mentioned, the Ocean Dumping and the Clean Water Acts.

So, along with my distinguished colleague from New Jersey, I want to congratulate him and say this is a good amendment and on this side we accept it.

Mr. KERRY. Mr. President, I rise in support of the pending legislation. Our oceans are literally being swamped by garbage, fouled by sewage sludge, choked by nutrients from acid rain, littered with plastic debris, and contaminated by medical waste. The bill before us today addresses this alarming situation as it relates to waste. It prohibits the dumping of sewage sludge into the ocean and ad-

dresses the devastating issue of hospital waste washing up on our coastal shores. As a Senator from a State that boasts a billion dollar fishing and tourism industry, I am keenly sensitive to anything which could jeopardize our historic livelihood, as well as our environment.

Last year, we passed plastic pollution legislation in an attempt to deal with offshore ship dumping both nationally and internationally. Recently, in the Subcommittee on the National Ocean Policy Studies in the Commerce Committee, I chaired a hearing on the damaging effects of acid rain on our marine environment, and studies in this area are imminent. The legislation before us today addresses another tragic issue, the dumping of sewage sludge and hospital waste in our marine environment.

This bill establishes an impressive framework to put an end to the thoughtless, careless most importantly dangerous dumping of sewage sludge. It will require that States no longer dump sewage sludge into the ocean within 6 months after the date of enactment, and prohibits States like Massachusetts who are currently in an agreement with the Environmental Protection Agency to stop dumping by 1991. The bill also imposes essential costly penalties on those who violate the law, penalties that are higher than the cost of implementing land based alternatives.

The need for this legislation came to a head last year when a 50-mile garbage slick originating from a New York landfill closed beaches throughout the New Jersey shore, inciting a feud between the two neighboring States. And, of course, more recently the issue has been highlighted by cover stories in Newsweek and Time Magazine displaying pictures of drug addicts' needles, crack bottles, and AIDS infested vials littering the New York beaches, not to mention the New York medical waste which has eventually found its way to the New England coast. Such incidents have created an emergency health situation which has spurred public concern about this issue.

Mr. President, the issue before us is not a particularly new one in Massachusetts. It is not a secret that Boston Harbor is one of the most polluted harbors in the country. Early last month nine Boston-area beaches were forced to close when over 400 million gallons of waste water poured into Boston Harbor. It is not a secret that the majority of shellfish beds are closed around the Boston area, and that thousands of acres of shellfish beds have been closed on Cape Cod, a ten-fold increase during the past decade. It is also no secret that in the Boston Bay area fishermen are seeing an overwhelming increase of fish with lesions and lobsters and crabs exhibiting symptoms of chitinoclasia, commonly referred to as shell disease in which the shell shows erosion, blistering, and strange burns not to mention the mutation of claws. And it is not a secret that last year an estimated 170 pounds of trash per mile, most of it plastic, were picked up on State beaches during our annual beach clean up week. It is also a fact that 83 percent of the flounder in Quincy Bay have evidence of liver disease. These facts are deeply disturbing to the people of Massachusetts.

But Mr. President, although I am not proud of these facts, I am happy to say that we are currently undertaking a rigorous effort to cleanup the Boston Harbor. By the year 1991, sewage sludge will no longer be dumped in the ocean. Last week, Congress appropriated $25 million to be added to the harbor fund. In fact, tomorrow, ground breaking ceremonies will occur at Deer Island where the new waste water treatment facilities will be built.

Unfortunately, history has shown that mankind often refuses to act on a situation until it becomes a dire emergency: Acid rain, global warming, toxic waste dumps, and now polluted coastal waters. I am glad that today we are moving on the latter problem and it is my fervent hope that we will have the foresight to move on such other critical issues before they, too, start to exhibit health effects that could develop into emergencies, if they have not already.

Mr. President the summer season is almost over. I am pleased that America's great love for recreational beach activities have now brought ocean polution to a new level of consciousness. It is my hope that we do not have to wait for the beginning of another summer to address many of the other ocean damaging issues that still persist. Time is running out. I urge my colleagues to pass this critical legislation today and I hope that my good colleagues will remain vigilant on cleaning up the Nation's marine environments. I want to commend my colleague from New Jersey, Senator LAUTENBERG, for his strong support.

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

The amendment (No. 2822) was agreed to.

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

Mr. CHAFEE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2823

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

The PRESIDING OFFICER. The amendment will be stated.

Mr. LAUTENBERG. This amendment is on behalf of myself, Senator BRADLEY, Senator CHAFEE, and Senator DODD.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. BRADLEY, Mr. CHAFEE, and Mr. DODD, proposes an amendment numbered 2823.

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

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

The amendment is as follows:

At the end of the bill add the following new section:

"SEC. . Section 105(b) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1415(b)) is amended by inserting '(1)' immediately before 'In addition' and, at the end thereof, adding the following new paragraph:

"(2) Any person who knowingly violates section 104(B)(i) of this Act shall upon conviction be fined not more than $250,000, or imprisoned for not more than five years, or both.'.".

Mr. LAUTENBERG. Mr. President, the shores from New Jersey to Massachusetts have been invaded by waves of garbage including medical waste. The medical waste appears to be the work of illegal dumpers. These dumpers threaten the well-being of their fellow citizens to save a few dollars in disposal costs. When medical wastes are disposed improperly, beaches are closed, vacations are ruined, our tourist economy is injured and our health is threatened.

Last week, the Senate passed S. 2680, the New Jersey-New York-Connecticut Medical Tracking Act of 1988. This bill requires EPA to set up a demonstration program for the tracking of medical waste generated in New Jersey, New York, and Connecticut. The regional tracking system will improve our ability to enforce existing disposal laws and deter those who contemplate illegally disposing of medical waste.

Mr. President, this amendment is consistent with the Dodd amendment on medical waste we just adopted. My amendment would establish a criminal penalty of $250,000 and 5 years in jail for the dumping of medical waste in U.S. waters or the ocean. The amendment is based on S. 2685, the Health Waste Anti-Dumping Act that Senators BRADLEY, MOYNIHAN, D'AMATO, DODD, WEICKER, and GRAHAM joined me in introducing last week. This amendment will serve as a further deterrent to the illegal disposal of medical waste.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this is a good amendment which the distinguished Senator from New Jersey has. On this side, we not only accept it but applaud it.

Mr. LAUTENBERG. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 2823) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from New Jersey.

Mr. BRADLEY. Madam President, first let me congratulate the distinguished Senator from New Jersey, Senator LAUTENBERG, for the last amendment. It is about time that we put some teeth into this kind of prohibition. I salute him for his action on this amendment as I do for innumerable other points in the environmental area, certainly relating to our oceans.

Madam President, I am pleased that today we will take a major step toward stopping a practice that should have ended a long time ago: The dumping of sewage sludge into the ocean. New Jersey and New York are the only States which still dispose of their sludge in the ocean. Senator LAUTENBERG and I introduced legislation last February to stop this sorry practice. I am sad to say that our bill has gained a new relevance this summer as we have witnessed the ocean's reaction to man's relentless assault on it.

Most of my colleagues and I thought that Congress had ended sewage sludge dumping in the ocean through legislation enacted in 1976. The Marine Protection, Research, and Sanctuaries Act we passed that year ordered all States and communities to stop dumping sewage waste in the ocean by 1981. Subsequent court battles and bureaucratic wrangling pushed that date back to 1991. We expected that States and local sewage authorities would develop and employ alternate means of disposing of their sludge within that deadline.

It appears, however, that the 1976 mandate was not explicit enough. The proponents of sludge dumping have found loopholes in that law which have made it possible to get variances and waivers to continue sewage sludge dumping in the ocean. Today we plug all the loopholes. We make clear that all ocean dumping must end. Finding alternatives will not be easy or cheap. But they can and must be found. Every other State in the Nation has found them. We treat our ocean as the world's largest cesspool. I am chagrined that New Jersey—all of whose residents have a special attachment to the ocean and our shore—is one of the two remaining jurisdictions which needs special legislation to outlaw this practice. This legislation gives local sewage authorities the clear message that they must find alternatives to ocean dumping—not sometime in the distant future, but right now.

How did we get to this place? We have long viewed the ocean as huge and vast with tremendous assimilative capacity. But we are finding that it is not as robust as we had thought. We have been short-sighted about using the ocean as a dumping ground. It has been hard to see and measure the damage we have been doing; most of that damage has been occurring out of sight and out of mind. However, signs of progressive deterioration are becoming apparent—marine life destroyed by algae blooms and lack of oxygen, smothered shellfish beds and "dead zones," diseased and contaminated fish and shellfish, reductions in fish catches, dead dolphins washing up on our beaches by the dozens, and of course the disgusting medical waste incidents this summer and last. Some scientists think that the rate of the ocean's decline may be high.

We have made a concentrated national effort to protect the air, the land, our drinking water, and even our inland waters and streams. But we have had no concerted ocean policy; again, we have viewed the ocean as a great sink which could absorb almost anything we threw into it. We simply cannot continue to do that any longer.

I want to take a moment to acknowledge the leadership of my colleague from New Jersey, Senator LAUTENBERG, in the effort to clear up our ocean. He has been tenacious in his effort to get the Senate to address this need.

Today is a day of real accomplishment.

Madam President, I also want to thank my colleagues from New York, Senator MOYNIHAN and Senator D'AMATO, for their support of the measure. I know theirs was a difficult decision, but I believe we will move more quickly toward reaching our goal of a cleaner ocean and restoration of our beautiful shores if the delegations of New York and New Jersey act as a team, as we are doing today.

So I greatly appreciate their support. All of us have been alarmed by what we have witnessed this summer. I hope and believe that the damage we have caused is both temporary and reversible, but restoring our oceans and our beaches will require a substantial commitment from all levels of government—Federal, State, and local. Much remains to be done, but there is no better time to begin than right now, and this bill is an enormous step forward. I strongly support it.

Mr. LAUTENBERG. Madam President, I want to thank my distinguished senior colleague. He and I have worked closely together on matters affecting the environment. Both of us have a deep sense of commitment to the environment which has developed in New Jersey over the past few years. We are particularly concerned about protection of our seashores and our ocean.

I have looked to Senator BRADLEY for support and guidance on issues, but in particular, we have worked very close to provide a better environment for the residents of our State and the country as a whole. I thank him for his support.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Madam President, let me commend my colleagues for having brought this legislation to the point where it is today; for having worked tirelessly to be sensitive to all of the problems, and I am not talking, Madam President, just about the visible problems. I said on the floor of the Senate last week that maybe it took something like the syringes, medical waste, and sewage that has regularly bombarded our shores to bring us to a point where we must say with one voice that we can no longer put off indefinitely the work of finding alternatives for the disposal of our waste, be it sludge or any other matter.

We have no idea the extent of the deterioration that is taking place below the surface of the ocean.

Let me say as someone who has lived in a small community Island Park since 1945, I was as a youngster, overwhelmed by the opportunities provided. My family had moved from a city environment, to this small seashore community, where on a daily basis not only could we fish and swim, but we could literally go out and harvest the clams and the mussels that abounded in our bays.

Madam President, that no longer is the case because the fishing for clams and mussels is prohibited because of the water quality, There is a degradation of the bays where I live today and where more than 1 million Long Islanders at one time had the opportunity to fish and to clam; now all that is precluded to their children.

What is taking place in our oceans? I have to suggest to my colleagues, having been a local administrator of a town of over 800,000 people, understanding the responsibilities that the county executive of Nassau has, that the county executive of Westchester has, that the mayor of our city of New York has and the communities of New

Jersey, it is not an easy position that they have as relates to the disposal of whether it is their garbage or whether it is their sewage or that which is leftover, after treatment, the sludge. The fact of the matter is that the costs to these communities will increase substantially. But I happen to believe that the citizens of these communities will be willing to pay for those increased costs to see to it that we do not continue to bring this untold damage to our ocean, to our environment.

My family moved out on Long Island in 1945 to provide a quality of life for their children and future generations, which no longer exists. I do not believe that we sit by and allow that quality to continue to deteriorate.

While I have sympathy with the administrators of the municipalities that will be affected, and while I believe that we in the Congress will have to work with them—and that may even be, Madam President, to provide funds—it is not so easy. We get up here and we may make light of the fact of the alternatives, what do you do with the sludge, which in some cases is highly toxic, in some cases absolutely impossible to bury without contaminating or creating other problems?

It may call for high-temperature incineration; it may call for, and undoubtedly will, the expenditure of hundreds of millions of dollars.

So while I support this action today, I also think that we are going to have to be mindful of working with these communities, and particularly the city of New York, because, as I have been told by the city fathers and the mayor it relates to incineration it is something in the area of $477 million to construct a plant to undertake that kind of alternative. In addition, the operating costs will increase tremendously.

Having said that, I do not believe that we have an alternative. But I do believe that we cannot continue to dump in our oceans. I believe we have to begin now to do that which we should have done many years ago. So while I support this legislation, I hope that we will go one step further and that we will continue to work, as we have today in bringing this legislation to the floor, to see to it that we work with local governments in finding the kind of constructive alternatives that will see to it that we truly meet the need of our constituents.

I am happy to support this bill. I believe that by doing so we do the business of the people.

Mr. LAUTENBERG. Madam President, I want to thank my colleague from New York. I know that it poses some unique problems for the city and his State that is one of the generators of sludge that gets dumped there, as are communities in New Jersey and Westchester. Therefore, it is not easy to just stand up and salute the environmental side of things. So I deeply appreciate it.

I know that the Senator has a concern about the environment. We heard about the community in which he lived. There are few places in the world that have finer beaches than Long Island or Fire Island or so much of that area of New York. His help and support is essential, and we are grateful to have it.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I likewise want to salute the distinguished junior Senator from New York. We had the mayor of New York come down and testify before the Environment and Public Works Committee. His thesis was that this is ridiculous. What do you expect us to do with this? You can pass all the laws you want, but there is no way in the world we can stop ocean dumping because we have no place else to put it. So it placed the distinguished Senator from New York and his colleagues in a very difficult dilemma.

I personally am convinced that New York—I am talking New York City—can do something constructive within the 3½ years that we are giving them under this legislation.

It is going to be expensive. I think they have to receive every bit of attention and assistance that we are able to give them. The trouble with this business is you go up one alley, you choose one solution, and frequently that solution is detrimental to another. For example, the suggestion is the city of New York, all right, they will try to meet the requirements that we have levied on them—that by January 1, 1992, there will no longer be ocean dumping, and therefore they will not do anything about what we call the combined sewer overflow problem; that is, their big sewers that currently take the runoffs from the streets and shoot it into the river.

If we absorb their money in order to meet the handling of this sludge, then they will have no money for the other problems, which in itself is a pollutant problem, or if indeed they go to the incineration of the sludge, then they create an air problem, and indeed contribute to the greenhouse effect which we are so worried about.

But nonetheless, I think if all of us are mindful of the admonition that the Senator from New York gave us, that New York has a problem, we have to recognize it, and we have to be prepared to do anything we can to insist. And in some instances that will involve money. They do not want goodwill. They do not want suggestions. They want money. We have to be cognizant of their problems in order that we just do not create one more great environmental problem as we try to solve the ending of the dumping at the 106-mile site.

So I want to thank very much the Senator from New York for coming aboard on this. It is a difficult problem for him and for his senior colleague. But both of them announced they are for this, and that gives us a great big plus. I might say, if they were not for it, life might be difficult on this floor for the rest of us interested in ending this dumping.

So I want to salute the Senator from New York, Senator D'AMATO.

Mr. MOYNIHAN. Madam President, I think the first thing I should say is that I know of no one who is in favor of ocean dumping, and that support for this bill will be close to unanimous. I know of no Senator who opposes it. Mayor Koch has come out opposed to the practice; he has recently announced plans to stop the city's ocean dumping by 1998. I should also announce right off that I will vote to pass this bill—indeed, I am a cosponsor. It addresses a fairly simple proposition, and that is that the ocean dumping of sewage sludge must stop. This bill will bring us to that necessary end. And before I go further I must commend Senator LAUTENBERG for his untiring efforts in this regard. The progress of this bill is due to his conviction on this matter, his energy, and his unwillingness to be discouraged.

This practice has been going on for quite some time—since the 1920's, and it has taken quite a great while to get any real evidence about what this might be doing to the ocean. We have been a long time at this, but one can only wait so long for evidence to accrue. In our case, this practice will continue without interruption until we act, and the potential for damage is just too great. We are dealing with the state of this world's oceans, the base of our food chain, and there is little excuse for inaction where the stakes are so high.

If at some future time there is undeniable evidence that ocean dumping does not threaten the health of our seas, then we have been fortunate indeed. We will have erred on the side of caution. But if we continue to dump, and then find it proven that sludge does in actual fact cause significant and irreversable degradation of the ocean environment, there will be no way to clean up what has already been dumped. Once done, it might never be undone.

The bill now before the Senate would ban all ocean dumping of sewage sludge after December 31, 1991, and would impose large financial penalties on anyone violating this prohibition. The proposed penalties, $20 to $40 per wet ton of sludge dumped, would supplant the currently applica-

ble penalties of a maximum of $50,000 per violation.

The rationale behind these fines, which have been deliberately set at a level significantly higher than the cost of implementing alternative sludge disposal methods, is to encourage dumpers to adopt these alternative methods as quickly as possible by making this the financially preferable option. Although this may not be the most subtle form of persuasion, it will serve as a very real incentive to make all possible efforts to comply with the December 31, 1991, ban. Given the unavoidable time constraints that exist on placing alternative sludge disposal systems into operation, it is very possible, indeed, quite probable, that the nine New York and New Jersey municipalities currently dumping at the 106-mile site may not meet this deadline, regardless of the mandates of any Federal or State law. Mayor Koch of the city of New York has said that the city would agree to end ocean dumping by the year 1998.

We must freely admit that many of the factors contributing to the likelihood that our 1991 deadline will not be met are not in the control of the municipalities doing the dumping. New York State has what is called a fully adversarial siting process for environmental facilities such as landfills and incinerators, the very things that will be needed to dispose of this sludge on land. This means that the siting and construction of alternative disposal facilities will take a good deal of time, much of which cannot be avoided. In addition, these facilities pose their own environmental problems; incinerators emit into the air, and landfills can threaten ground water if improperly built or maintained. These are facts, and cannot be ignored. But this should not dictate our choice on the fundamentally separate question of whether it should be the policy of this Nation to safeguard our oceans and end ocean dumping. All Senators will have to choose today whether or not we should stop ocean dumping once and for all. I believe that we should, and I will vote to pass the bill.

Over 100 municipalities that at one time disposed of sludge in the ocean have adopted land-based alternatives. It should be noted that none of these municipalities produce anywhere near the quantity of sludge as do those currently using the 106-mile site. The quantity of sludge produced by the 100 municipalities that have adopted alternatives represents only 5 percent of the sludge now being dumped at the 106-mile site. The amount now going to the 106-mile site is very large—approximately 7.7 million wet tons per year—and consideration must be given to the practical limitations on how long it will take to implement alternatives, even if every effort is made to expedite the process.

What we are trying to do today is end ocean dumping, and thereby safeguard our oceans from a practice of uncertain hazard, but all the same, of greatly detrimental consequence if today's suspicions do become tomorrow's accepted truths.

I would like to reiterate that I favor the cessation of ocean dumping as soon possible, and I commend the members of the Environment and Public Works Committee and Senator LAUTENBERG in particular for their work to bring this issue to the attention of the Congress and the Nation.

Mr. LAUTENBERG. Madam President, our distinguished colleague, Senator MOYNIHAN, with whom I have worked closely on numerous environmental problems, is one of the most senior members on the Environment Committee. I have looked to him for guidance on environmental matters. This has been for him a difficult decision because no one representing New York can ignore the fact that New York City will have to work hard to meet the deadline. However, we believe with the creativity and genius that exists in New York City that the city will be able to find a way to stop ocean dumping by the 1991 deadline established in the bill.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware

Mr. ROTH. Madam President, I rise today in support of the legislation before us, S. 2030 the Ocean Dumping Reform Act of 1988. I would like to commend the managers of the bill Senators LAUTENBERG and CHAFEE for their diligence on this issue during the past year. There is no question but we would not have made the progress that has been made possible if it had not been for their leadership. I also would like to commend the two committee chairmen, Senators BURDICK and STAFFORD, as well as Senator MITCHELL, whose efforts are responsible for the favorable reporting of the legislation by the environment committee. S. 2030 in its current form is an amended version of legislation introduced by Senator LAUTENBERG, which I had cosponsored when it was introduced. I am especially pleased because the amended version before us today incorporates many of the basic provisions of legislation S. 2066 that I had introduced this past February.

Madam President, the Ocean Dumping Reform Act of 1988 is timely and necessary legislation. Last week the cover of Time magazine read: "Our Filthy Seas." The magazine article stated that polluted waters and littered beaches can take jobs away from fisherfolk as well as food from consumers, recreation from vacationers, and business from resorts. In dollars, pollution costs billions; the cost in the quality of life is incalculable.

David Urian, from Georgetown, DE, mailed me an article from the Salt Water Sportsman, with the headline: "Out of Sight, Out of Control". In his letter he said,

> It goes without saying that the Delaware coastal area is an extremely valuable asset to the State, and that one of the reasons people are drawn to this area is the recreational fishing industry. Therefore, it behooves all of us to be extremely concerned over anything that will have an adverse effect on this industry and, therefore, the State of Delaware.

David and the articles ask that we do something about the unacceptable adverse effects on human health and the damage to our resources in the marine environment as soon as possible.

Well, David, here is your answer. I have long supported your cause and the cause of all my constituents, to stop ocean dumping. The legislation we are addressing today will go a long way to raising our environmental consiousness and morality—something I believe in, and something I have often stated we need more of. I believe we have a responsibility to protect and preserve. I believe we must realize that our resources are finite. Without the wise use and protection of these resources even civilization will be challenged.

Madam President, at this time I ask unanimous consent that David Uriam's letter and enclosure, and a letter from the Oceanic Society, written on behalf of a variety of organizations concerned with ocean pollution and S. 2030 be printed in the RECORD.

I also want to have printed in the RECORD at this time today's August 9, 1988, Washington Post column "Pollution and the Jaws of Defeat" by Art Buchwald. The column is a conversation between sharks about 200 miles off Cape Cod. The following are some of the excerpts of this conversation.

Shark 1 says: "Don't go near Long Island. All the beaches have been turned into cesspools."

Shark 2 says: "Ditto for New Jersey. Every bit of medical garbage known to man has been dumped into the water there, including blood contaminated with AIDS."

Shark 3 says: "It's not just Long Island. The whole ocean tastes funny. I say that all sea creatures pronounce the east coast off limits until people can get their antipollution act together."

Shark 4 says: "I don't mind eating garbage, but I am not going to swim through the other stuff they are pumping into the sea."

There are several of such quotes Madam President, but one of the best quotes is as follows:

"But what are we going to do about food? All the marine life in the area is now contaminated. Even the people on the beach are unsafe to eat."

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

BALLARD, JEFFERSON,
MOFFITT & URIAN, P.A.,
Georgetown, DE, July 28, 1988.

Senator ROTH,
Federal Building,
Dover, DE.

DEAR SENATOR ROTH: I am enclosing a copy of an article out of the July 1988 issue of Saltwater Sportsmen magazine in connection with the continued ocean dumping of sludge off the coast of Delaware.

I thought this article is of such importance that it should be brought to your attention and added to the undoubtedly voluminous information you already have on this subject. It goes without saying that the Delaware Coastal area is an extremely valuable asset to the State, and that one of the reasons persons are drawn to this area is the recreational fishing industry. Therefore, it behooves all of us to be extremely concerned over anything that will have an adverse effect on this industry and therefore the State of Delaware.

I trust that your concern in this matter is the same as mine and many other Delawarean's and that in your position you will do everything within your power to see that this off shore dumping is stopped as soon as possible in the foreseeable future.

Very truly yours,

DAVID R. URIAN, CPA.

OUT OF SIGHT, OUT OF CONTROL—THE CONTINUED DUMPING OF CONTAMINATED SEWAGE SLUDGE OFF THE NORTHEAST U.S. COAST IS POISONING THE WATER AND KILLING SEA LIFE, IT'S GOT TO STOP.

(By Whit Griswold)

Last summer, hundreds of dolphins died off the Northeast coast. A rash of whale deaths this past winter still has marine biologists scratching their heads. And now, offshore lobstermen are bringing in diseased lobsters and telling of drastically reduced catches between Block and Hudson Canyons. There have been reports of fin rot in botton-dwelling tilefish in the same area and rumors that yellowfin and bigeye tuna taken off Virginia this spring also showed signs of fin rot.

Pretty scary stuff. When a ranking fisheries management official in Massachusetts was shown some of the diseased lobsters, he said he hoped the information wouldn't be made public for fear of what it would do to the seafood market in the region. But what about the effect on the recreational fishing industry? What about the effect on tourism in coastal communities where beaches are shut down because of too much "waste" washing ashore from mysterious places?

The dumping of sewage sludge in the waters off New York City was first permitted in 1924, and it's still going on today. Up until last spring the sludge was dumped at the 12-mile dump site, so named because it lies just 12 miles off the coast. Over the years, untold millions of tons of sludge have been dumped there. Most fish left the area long ago. In those that remain there is evidence of fin rot and black gill, and there has been mutation of fish larvae. Bottom sediments are loaded with heavy metals (cadmium, mercury, lead, copper, chronium) and toxic organic compounds (PCBs). Shellfish beds have been closed in a surrounding area that covers 150 square miles. The site is a virtual biological desert.

In response to a 1970 Council of Environmental Quality report that recommended that dumping of sludge in the ocean be discontinued, the Marine Protection, Research and Sanctuaries Act was enacted in 1972. Known as the Ocean Dumping Act, it required the Environmental Protection Agency (EPA) to make sure that ocean dumping would have, "No unacceptable adverse effects on human health and no significant damage to the resources of the marine environment; No unacceptable adverse effect on the marine ecosystem; No unacceptable adverse effect on the ocean for other uses as a result of direct economic impact." Some might argue that any adverse effect is unacceptable, but the intent of the act is clear. In spite of all this, the dumping continued.

In 1977, an amendment to the Ocean Dumping Act prohibited the EPA from granting any more permits for sludge dumping in the ocean after December 31, 1981. Most municipalities turned to other methods of disposal, but nine (New York City, Westchester and Nassau Counties in New York and six municipalities in northern New Jersey) did not. When the EPA refused to renew dumping permits for these nine municipalities in 1981, the refusal was challenged in court. The judge ruled that EPA could not stop the municipalities from dumping in the ocean and dumping was allowed to continue at the 12-mile site. In 1985, the EPA denied petitions to continue dumping at the 12-mile site. The nine municipalities were required by court order to stop dumping at the 12-mile site by December 31, 1987 and instead start dumping at the 106-mile site, which EPA had designated as a dump site back in 1984.

The site lies between 38 degrees, 40′ N and 39 degrees 00′ N and 72 degrees 00′ W and 72 degrees 05′ W. That puts it about 135 nautical miles east of Cape May, New Jersey; 125 nautical miles south of Montauk Point; 180 nautical miles southwest of George's Bank. The northern edge of the site is only five miles from the 1,000-fathom line, 12 nautical miles from the 500-fathom line and 22 nautical miles from the 100-fathom line.

At present, eight million tons of sludge can be dumped at the 106-mile site each year. That's something over 40 percent of all the sludge generated by New York State annually, combined with about 60 percent of the gross natural product of the state of New Jersey each year.

According to testimony before the House Merchant Marine and Fisheries Committee by Sally Ann Lentz of the Oceanic Society, the sewage sludge currently ocean dumped by New York City and other New York and New Jersey Sewage Authorities is contaminated with low, but environmentally significant levels of persistent toxic pollutants including PCBs, carcinogenic petroleum fractions and toxic heavy metals including cadmium, mercury and lead.

If all the sludge settled directly to the bottom, eight million tons would cover about 107 square miles of bottom an inch deep in toxic goop. And if this sludge made a wasteland of the 12-mile site, won't it do the same farther offshore? Has it done so already? Who knows?

Captain Eric Winn, owner/operator of the offshore lobster boat *Debbie Ann*, has been fishing the area between Block and Hudson canyons for the last ten years. His traps are positioned on the slope of the continental shelf, between 60 and 260 fathoms down. Last fall he and other lobstermen noticed an abundance of undersized or "short" lobsters, usually a sign of good fishing for the following spring. But the lobsters haven't materialized. They haven't moved back up on the slope as they usually do in the spring and catches have fallen off drastically.

On a typical three-day offshore trip, Winn hauls about 2,500 traps which produce between 5,000 and 10,000 pounds of lobster. On trips late this winter and early spring—normally peak fishing time—he averaged about 1,500 pounds. His catch is off over 70 percent over the last six months, by far the worst six-month period he's ever experienced.

Winn hasn't noticed any unusual weather conditions which might explain the drought. And he's not alone. "It used to be it might be off in one spot, but a fisherman 20 miles east would be catching well," he said. "Now nobody's catching." At least they aren't catching what they used to be catching.

And lobsters and crabs that they are bringing up are showing disturbing signs of disease. On March 29, 1988, Bruce Estrella, Senior Marine Fisheries Biologist with the Massachusetts Division of Marine Fisheries, examined 14 lobsters, two red crabs and five Jonah crabs that had been brought to him by Capt. George Whidden, another offshore lobsterman. The shellfish were taken in traps about 80 miles north/northeast of the 106-mile dump site.

"All of these samples exhibited symptoms of chitinoclasia, commonly referred to as shell disease," Estrella reported. "The severest symptoms of shell erosion, ulceration, blistering and also gill tissue necrosis were observed. . ." This same shell disease is common in lobsters taken around sewage outfalls and dredge spoils, It's the same disease that was found in lobsters taken from Boston Harbor, one of the most polluted bodies of water in the country. And it's the same disease that affected lobsters taken in the vicinity of the 12-mile site.

As bad as the prospect for mature lobsters is, it's worse for future generations. Lobster eggs are released on the bottom by the females. They float to the surface, hatch and the lobster larvae then sink back to the ocean floor. Even in ideal conditions, mortality is high. When they are being poisoned by toxic waste suspended throughout the water column, their round trip would seem particularly perilous.

While lobsters are one of the mainstays of the commercial fishing industry in the northeast, the effects of the dumping on finfish should interest recreational anglers even more. If the sludge that's dumped over the 106-mile site were contained within that site, it might be easy enough to avoid fishing that area. One might even hope that pelagic fish are smart enough to avoid the area. Unfortunately, it's not that simple.

To begin with, commercial fishermen have reported seeing barges "dumping short"—that is, not even making it as far offshore as the 106-mile site before they discharge. The haulers are in fact permitted to dump short if they feel weather threatens their safety, but some observers believe they dump short in any weather to save time and money.

Even if all the sludge was dumped in precisely the right spot, very little of it would reach the bottom at that spot. Strong currents run roughly northeast and southwest along the slope of the continental shelf, and in the spring there is heavy movement of water off the shelf caused by fresh water runoff. Warm water cores—eddies—spin off from the Gulf Stream farther offshore and migrate through the dump site area and then back down the coast until they merge once again with the Gulf Stream off the

Virginia Capes. And because of temperature and density gradients in the water, particularly during the summer, much of the waste that is dumped over the 106 never makes its to the bottom, but is suspended in the water column to be dispersed over an area of undetermined dimensions.

We do know, however, that several species of game fish and baitfish—including cod, haddock, menhaden. Bluefish, mackerel, silver hake, achovy and sand lance—spend a significant amount of time annually in the affected waters. Bluefish especially spend much of the early part of their life cycle when they are most vulnerable, in the area. And every offshore fisherman these days knows that tuna and billfish inhabit canyon waters and also that they often follow and feed along the edges of the warm core eddies. It's safe to say that pelagics swimming along the edge of the continental shelf, as most of them do sometime during the year, are going to be exposed to these poisons. How they react to the toxins is arguable, but the fact that they will indeed be exposed is not.

So how many years of "healthy" fishing do we have left? One? Three? None? One thing is for certain; the longer the delay before action is taken, the worse the problem will become. Responding to an alarm first sounded by Capt. George Whidden, a group of commercial fishermen, anglers, conservationists and others recently formed a coalition for the sole and express purpose of stopping ocean dumping *now*. The group is called the Coalition to Cease Ocean Dumping (CCOD).

They're sick of being told that ocean dumping is not having any effect on the lobsters they fish for. They're sick of being told that more studies are needed to assess the impact of the dumping. They've seen the evidence firsthand and they've also seen reports prepared by federal agencies such as NOAA and NMFS that oppose ocean dumping. They don't think that we can afford to wait for Congress to study, debate and possibly enact a bill introduced by Representative Claudine Schneider of Rhode Island that would end all dumping by 1993.

Schneider's bill is designed to ensure a "national, realistic termination" of sludge dumping in the ocean. Most people concerned about the problem would agree that the aim of the legislation is on the money, but members of CCOD feel strongly that the timetable is much too lax. They see a real emergency out there and a need to address it immediately. They worry that if New York and New Jersey were able to circumvent provisions of the Ocean Dumping Act with such apparent ease, why couldn't they get around another law passed 20 years later?

Recognizing the potential economic impact of shutting down offshore fisheries for finfish and shellfish, leaders of CCOD quickly enlisted the suport of several Rhode Island banks, banks that had money tied up in the fishing industry. These bankers realized the economic importance of the fishing and tourism industries to Rhode Island's economy.

CCOD soon got support from other quarters as well. At an early organizational meeting, Dr. Richard I. Cooper put the facilities of the National Undersea Research Program based at the University of Connecticut at the Coalition's disposal.

If Congress can't or won't act fast enough, maybe the courts can. Perhaps there's a way to force a halt in the dumping because laws are being broken. Under the Endangered Species Act, for example, federal agencies must not permit action which would ". . . jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species."

So far, it's been impossible to quantify the threat to species in the dump site area, but, as Ms. Lentz of the Oceanic Society wrote: "Current knowledge suggests, however, that many species of marine mammals, turtles and birds, including endangered and threatened species, spend significant parts of their lives in the potential area of impact."

There are also laws on the books which say that alternative locations and methods of disposal should be pursued, that if sludge must be dumped, it should be treated to reduce its impact on the environment.

"This points to the real problem at the heart of the current dilemma," the Oceanic Society points out. "The failure of the subject municipalities to institute effective pretreatment and industrial waste reduction programs. Neither ocean dumping, nor any of the land-based alternatives are environmentally acceptable options for managing highly-contaminated sewage sludge. Effective pre-treatment improves the quality of the sludge and must go hand in hand with any chosen management option, including ocean dumping."

There's no denying that the sludge has to go somewhere. But wherever it goes, we should first try to "defuse" it, then contain it. It may be out of sight out in the ocean, but it's not out of some people's minds. The ocean is very powerful and bountiful, but now it and many of the species it incubates and nurtures are at our mercy.

We have no right to take this life away, no matter what the circumstances.

THE OCEANIC SOCIETY,
Washington, DC, July 26, 1988.

Hon. WILLIAM V. ROTH,
U.S. Senate,
Washington, DC.

Re Ocean Dumping of Sewage Sludge.

DEAR SENATOR: The Senate is likely to act soon on S. 2030, the Ocean Dumping Reform Act of 1988. This bill, which would amend Title I of the Marine Protection, Research and Sanctuaries Act ("Ocean Dumping Act"), prohibits the ocean dumping of sewage sludge after December 31, 1991. The bill was favorably approved by the Environment and Public Works Committee on June 23, 1988. Enactment of S. 2030 would represent a very positive step in national efforts to develop environmentally responsible waste management practices. The undersigned organizations wish to express our support for S. 2030. We would appreciate your personal support and sponsorship of that bill.

As discussed in testimony the Oceanic Society presented before the Subcommittee on Environmental Protection of the Committee on Environment and Public Works on February 18, 1988 on behalf of a diverse coalition of 24 organizations it has been that ocean dumping of sewage sludge has caused considerable damage to the coastal waters of the New York Bight. As a result of such damage, EPA decided in 1984 to close down the coastal sludge dumpsite ("12-mile site") and move the dumping operations to a deepwater site ("106-mile site") beginning in 1986. However, by moving the dumping activities from the 12-Mile Site to the 106-Mile Site the threat of still further damage to the marine environment has now been shifted to deeper waters of the Atlantic Ocean. There are already strong signs of damage from dumping of industrial waste at the 106-Mile Site. We can ill-afford to risk further damage from sewage sludge dumping when the long-term consequences of such activity are largely unknown.

Sewage sludge dumping has virtually destroyed the 12-Mile Site in the New York Bight, resulting in the closing of shellfish beds, reduced catches of fish, increased incidence of fish disease, and mutation of fish larvae. Moving the sludge dumping to the 106-Mile Site offers little comfort. The National Marine Fisheries Service has estimated that an area of 45,000 square miles running the length of the biologically productive continental shelf from New York to North Carolina is at risk from dumping at the 106-Mile Site. This area supports important commercial and recreational fisheries such as lobster, tuna, and tilefish which are vital to the east coast and national economies.

Alternatives for the management of sewage sludge do exist. In fact, only four to seven percent of the total sludge generated in the U.S. is ocean dumped. New York City, two Long Island communities and six New Jersey municipalities are the only remaining ocean dumpers. Our organizations subscribe to a hierarchy of waste management that places source reduction and beneficial uses of waste (in the form of recycling and recovery) at the top of the hierarchy as preferred options. For pretreated sewage sludge, such alternatives include its use as compost. Large municipalities, such as Milwaukee, Chicago and Seattle are already utilizing these beneficial sludge management methods.

It has been argued that the implementation of alternative technologies will be of considerable expense and place an undue economic burden on the New York and New Jersey municipalities who continue to ocean dump. While the costs of instituting alternatives may be significant in the short-term, the long-term costs of continued dumping to the multi-billion dollar fishing and tourism industries of the east coast, let alone other costs, will be substantially higher. To their credit, New Jersey officials recognize the real costs of ocean dumping, and they support Congress' efforts to end this practice.

Although environmental concerns arising from these activities warrant, in our view, an immediate phase out, we recognize the need to allow a reasonable time frame for the implementation of alternatives. The 1991 phase out deadline as proposed in S. 2030 serves that purpose.

The ocean holds invaluable national resources which are being seriously threatened by increasing pressure to use the ocean as the nation's waste bin. S. 2030 recognizes the irreversible adverse consequences caused by ocean dumping of sewage sludge and reflects the spirit of the Ocean Dumping Act to move our nation toward environmentally sound waste management. It is time that New York and New Jersey join the other 48 states in complying with the Ocean Dumping Act mandate.

Thank you for the consideration of our views.

Sincerely,

CLIFTON E. CURTIS,
President.
JOHN G. CATENA,
Science/Policy Analyst.

On behalf of: Cape May City Environmental Commission, Cape May County Chamber

of Commerce Environmental Committee, Center for Environmental Education, Clean Ocean Action, Conservation Law Foundation of New England, Inc., Environmental Policy Institute, Greenpeace U.S.A., National Audubon Socity, National Fish Meal and Oil Association, National Fisheries Institute, Natural Resources Defense Council, New York Sportfishing Federation, The Oceanic Society, Point Judith Fisherman's Cooperative, Shellfish Institute of North America, Sierra Club.

[From the Washington Post, Aug. 9, 1988]

POLLUTION AND THE JAWS OF DEFEAT

(By Art Buchwald)

CAPE COD.—How bad was the ocean pollution along the East Coast recently? I'll tell you how bad it was. The sharks no longer consider it safe to go into the water.

Perhaps that's an exaggeration. The truth is that the sharks were swimming around, but nowhere near the shore. A submarine picked up on sonar the conversation of a school of sharks about 200 miles off Cape Cod the other day. The sonar operator identified the sharks as Jaws I, Jaws II, Jaws III and Jaws IV.

The transcript that follows has only just been released:

Jaws I: Don't go near Long Island. All the beaches have been turned into cesspools.

Jaws II: Ditto for New Jersey. Every bit of medical garbage known to man has been dumped into the water there, including blood contaminated with AIDS.

Jaws III: How can anyone live like that? Even squid don't poison their own water.

Jaws IV: I don't mind eating garbage but I'm not going to swim through the other stuff they'r pumping into the sea.

Jaws I: I hear it is so bad off Far Rockaway that you can get violently sick just by nuzzling your head against a swimmer's leg.

Jaws II: The people are not only releasing raw sewage from the land, but they are pumping it from their boats as well. There is no way we can go near the beach without getting herpes.

Jaws IV: Maybe we shouldn't stay here. The ocean currents could bring the stuff out to where we are now.

Jaws I: I would like to bite the arm off the person responsible for dumping all the medical swill into the sea.

Jaws II: I would, too, but only if I could hear him scream a lot.

Jaws III: And thrash around in helpless agony . . .

Jaws IV: That's all well and good, but what do we do about food? All the marine life in the area is now contaminated. Even the people on the beach are unsafe to eat.

Jaws I: That's outrageous. No one should be permitted to contaminate human beings. They're our meal ticket.

Jaws II: I can't believe that people who would dump all their waste into the sea would make sharks the heavies in the movies. For old times' sake, why don't we take one fast swim into shore and scare them to death?

Jaws III: We can't scare them if they are not allowed to go into the water.

Jaws IV: I hate to swim in red algae.

Jaws I: Just when we thought it was safe to go into the water we got sucked in by chemical waste. I guess we have to scratch Long Island as a good place for lunch.

Jaws II: It's not just Long Island. The whole ocean tastes funny. I say that all sea creatures pronounce the entire East Coast off limits until people can get their antipollution act together.

Jaws III: I hear it's not even safe around Martha's Vineyard or Nantucket either.

Jaws IV: Could we be declared an endangered species?

Jaws I: But we are not an endangered species, and these people are throwing all their bilge into the sea just to save money.

Jaws II: And to think people call us sharks.

Mr. ROTH. Madam President, concerning the legislation that we are considering, it takes a reasonable approach to the termination of ocean dumping. I am pleased that the Congress is putting its foot down to this dangerous practice in a reasonable but strict manner. This bill tells those communities that the ocean is not a bottomless cesspool. There has been dumping of sewage sludge in the ocean since 1924, with the hope that it will go away and will take care of itself. The opposite has been found instead, the problem will not take care of itself, and man as responsible stewards of the environment will have to do something about it. Unfortunately, some men left on their own are either unwilling or unmindful to perform their duty. Since those communities currently dumping have not assumed their appropriate responsibility, the Congress is helping them with this legislation. As I said before, it is reasonable, and firm.

It is firm because it calls for a complete ban on dumping to be imposed within 6 months of enactment. I believe it is reasonable because it allows for the dumper, known as an "eligible authority", to enter into a compliance agreement with the Administrator of the EPA and the State in which the dumper is located. The compliance agreement must provide for the phasing out of ocean dumping prior to December 31, 1991. Because this proposal guarantees the implementation of an ocean dumping alternative, within preestablished guidelines, we can be confident that this practice will be terminated.

To encourage compliance with the law, the bill threatens to fine towns that do not work with the EPA to come up with alternative plans. It also provides fines for towns that do not meet the compliance dates in such plans. We also propose to collect fees to recover Federal Government costs incurred in determining compliance, and any other appropriate terms under which dumping is allowed. In addition, the fees will cover Government costs to monitor and undertake research necessary to determine the effects of dumping. All fees and fines will be placed into a newly created "clean oceans funds", which will be available to the EPA and NOAA for related enforcement, monitoring, and research activities.

Madam President, I found it necessary to launch a new initiative on ocean dumping because certain localities were short on results and long on excuses—"We do not have enough money", or "We don't have enough time". In response to this I say Hogwash. Some of these cities have been dumping since 1924, that is 64 years. And that is 64 years of damage to our environment, and our ocean.

There are many other techniques and options that cities are using to manage sewage sludge from their wastewater treatment plants. Many cities are seeking multiple use alternatives for management of their sludge, such as land application or distribution and marketing, to take advantage of the beneficial nutrients and materials of sludge waste. I have asked the CRS to provide me with a compendium of what other communities are doing with their sludge, and I ask unanimous consent that this report be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, May 18, 1988.

To: Hon. WILLIAM V. ROTH
(Attention: Paul Kerkhoven.)

From: Claudia Copeland C.C., Specialist in Environmental Policy, Environment and Natural Resources Policy Division.

Subject: Sewage sludge management options.

This memorandum responds to your inquiry concerning techniques and options that cities are using to manage sewage sludge from their wastewater treatment plants. It is not intended to reflect a comprehensive survey, which does not exist. Rather, it presents examples of the four major sludge management options currently used in the United States: land application, compositing (for distribution and marketing), landfilling, and incineration. The discussion is derived from several sources, including material and information from the Environmental Protection Agency's Office of Municipal Pollution Control, as well as current literature.

EPA officials point out that the majority of cities are seeking multiple-use alternatives for managing their sewage sludge, such as land application or distribution and marketing, to take advantage of the beneficial nutrients and materials in the sludge waste. Thus, single-use or non-beneficial uses, such as landfilling, are less favored today than in the recent past.

EPA estimates that 30 percent of sludge currently is land applied or distributed and marketed; 40 to 45 percent is disposed in landfills (the majority is mixed with municipal solid waste, while a small amount is disposed in sludge-only landfills); 20 percent is incinerated; and 6 percent is ocean disposed. The latter option is used only by a small number of New York-New Jersey communities still utilizing the 106-mile site in the New York Bight.

LAND APPLICATION

According to a 1986 survey, every State except two (Hawaii and Rhode Island) has some communities with land application projects. Washington, Idaho, Ohio, and Vermont say that over half of the sludge production in their States is land applied while in Maryland, over 90 percent is land applied or composted. In Kansas, 70 percent of mu-

nicipalities apply liquid sludge to nearby farmland. Costs for this option are generally low, but can vary based on the need to buy land or to pay the private landowner for use of his property (in some cases, the farmer or property owner may pay the city).

Sludge can be a valuable resource as a soil conditioner and a partial fertilizer or replacement for commercial fertilizer. EPA estimates that about 25 percent of the Nation's sludge is land applied in one of four settings: on agricultural lands, forest lands, disturbed lands (for reclamation), or land dedicated to sludge disposal. Both liquid and dewatered sludge can be applied beneficially to land.

With land reclamation, the objective is to provide nutrients for establishing vegetation on land that has been disturbed by mining or mineral processing operations or on marginal lands, such as very sandy areas which sustain little vegetation. Sludge-based land reclamation has succeeded in a number of areas, including strip-mined areas of Pennsylvania. That State now requires application of wastewater sludge to be considered as one alternative in any disturbed land reclamation plan.

Seattle, Washington applies most its sludge to forest land that is either privately-owned or is owned by the city. Trees are said to grow twice as fast with this type of fertilization. Thus, Seattle is moving away from previous management approaches, which were a combination of landfilling, composting, and applying some sludge to mined areas.

Application to forest lands is common in the Pacific Northwest. A bit further east, as in eastern Washington State, more is applied to agricultural lands than to forests. Portland and Salem, Oregon also apply sludge to agricultural lands. The Salem program, begun in 1976 and known as BIOGRO, now recycles more than 90 percent of the city's sludge to local farmland. It is applied primarily to fields used to produce grains, grasses, pasture, and silage corn, plus seed crops, Christmas tree farms, commercial nurseries, and filbert orchards. Annual costs are approximately $100 per dry ton.

San Diego, California has been building an island in the middle of San Diego Bay and applying its sludge there. Now, developers would like to use this island for development purposes, which the city would like to support, so the city is investigating the possibility of land application inland.

Denver, Colorado uses land application on cropland and forage land. (Denver, which comprises one-half of the State's population, also operates a composting facility to manage a portion of its sludge.)

Albuquerque, Las Cruces, Santa Fe, and Taos, New Mexico operate city-owned land application sites on desert soils.

Houston, Texas. Forty-four percent of its sludge is land applied to pastureland in nearby counties. (Houston composts most of the rest of its sludge, yielding a product that is sold to citrus producers in the Rio Grande Valley and Florida, and to Houston area farmers) Throughout the State, 63,000 acres are registered with the Texas Department of Health as application sites.

Washington, DC (Blue Plains) generates 1800 tons per day of sludge and uses both composting (40 dry tons per day) and land application for sludge management. Composting is done at two locations (one in Montgomery County, Maryland), while land application is done on private lands in Virginia and Maryland. Washington would like to incinerate, but can't overcome local public opposition.

Miami, Florida As part of its wastewater treatment plant, Miami has an electron accelerator to irradiate and disinfect sewage sludge, which is then land applied. Dade County, Florida sells a dried sludge product called Daorganite to farmers.

Tallahassee, Florida recently upgraded its main wastewater treatment plant and converted to land application. The project cost $29 million, and State officials report that it has resulted in significant improvement of two waterways, which previously had received treated sewage effluent.

Chicago, Illinois uses various types of land application. Since 1971, the city has been involved in a large-scale land reclamation project of land that was previously strip mined in Fulton County, Illinois, some 200 miles south of the city. The city now owns about 15,000 acres in the county that it uses for this purpose. This project has overcome considerable local public opposition since it began and has now been embraced by the Fulton County population—to the point that the site operator (who is employed by the City of Chicago) was recently elected to the local school board. The project provides tax income and jobs for the county.

As a backup, the city also is applying dewatered sludge as cover for a landfill which is adjacent to the City's treatment plant. They believe that they have enough capacity at this site for 10 years' time, but they will continue to use a combination of these management approaches.

Sioux City, Iowa uses land application of liquid sludge through subsurface injection, which provides nutrients to farm lands, but results in less odor, minimum runoff and less nitrogen volatilization than other sludge application methods.

These cities and areas also use land application for sludge management: Richmond, Virginia; Wayne County, Michigan, Indianapolis, Indiana, and Madison, Wisconsin.

COMPOSTING

Composting is one technique for distributing and marketing sludge products. Like land application, it employs the soil conditioning and fertilizer value of sludge beneficially. (Two other processes used to produce a product for marketing are heat drying and air drying.) Sludge products are sold or distributed free to commercial growers and nurseries, landscaping firms, parks and recreation departments, highway departments, and the public. The marketing of composted sludge is not viewed as a profit-making activity, but rather as a means of reducing total costs of sludge management.

Composting involves biological decomposition of organic matter in sludge to yield a relatively stable humus-like material. Typically, dewatered sludges are mixed with a bulking agent such as sawdust, wood chips, rice hulls, or straw and are allowed to decompose aerobically for a period of time (typically 21 to 30 days). The bulking agent usually helps remove moisture and makes the mixture more manageable. Because of odor problems, so-called in-vessel facilities (composting takes place in completely enclosed containers) are an increasingly popular option.

According to a recent survey by BioCycle magazine, in 1987 more than 200 facilities were considering, proceeding with, or operating a sludge composting plant, compared with 90 in 1983. The survey noted that sludge composting is gaining attention—and public support—where land application is not feasible and/or siting of incinceration facilities is increasingly difficult. The following are among the cities and areas that currently use composting:

The County of Los Angeles composts most of its sludge today, through a privatization arrangement with a company called Kellogg's Supply Co., which markets the composted material. The product is called Amend. The County also is building a Carver-Greenfield multi-stage incineration project similar to the City of Los Angeles (see Incineration, below).

In addition, the County is building a secondary treatment plant and plans to set up a sludge composting facility in conjunction with Kellogg's Supply Company. Kellogg's will compost the County's waste, along with waste from local dairy operations, and continue to market the product.

Austin, Texas mixes thickened sludge with dried water hyacinths (used in its wastewater treatment process) to produce a compost which is made available to city departments and the general public.

Philadelphia, Pennsylvania's facility processes 300 dry tons per day; the product is called Philorganic.

Toledo, Ohio has recently initiated a venture to convert sewage into fertilizer, for marketing to farmers and in land reclamation, using a sludge-to-fertilizer product called N-Viro Soil. The product is made by mixing kiln dust (a byproduct of the cement industry) with dewatered sludge, then aerating the mixture. Capital costs will be less than $1 million; operating costs, including capitalization, will be $90 per dry ton. Other cities that process sludge through composting with kiln dust include Fort Smith, Arkansas, Wilmington, Delaware, Jupiter, Florida, and Oak Ridge, Tennessee.

Boston, Massachusetts. In the long term, the city will either compost or incinerate its sludge. In the interim, they are considering contracts for two management alternatives: (1) a composting and drying process, that would produce a pelletized material that can be marketed (using a patented process called ESP Drying/Pelletization; the contract is a joint venture between the Massachusetts Water Authority and four firms); or (2) trucking the material to a site in eastern Ohio, to reclaim land that was formerly a soda ash disposal site. (This particular site is already being used by some other cities, as well.) Either alternative will cost over $800 per dry ton.

Akron, Ohio composts approximately 80 percent of its sludge; the remainder is incinerated. The city recently received the first permit in the State of Ohio to market compost and is now investigating commercial possibilities. Potential uses include strip mine reclamation and sale to horticultural outlets. Current operation and maintenance costs are $137 per dry ton.

Milwaukee, Wisconsin composts and heat dries its sludge and markets it as Milorganite. This has been going on for a number of years, and the city has been getting some money back from the operation, although they don't make a profit from it (operation of the dryers is expensive). In addition, because they don't have enough capacity to use this process with all of their sludge, some of it is being land applied in areas outside the Milwaukee metropolitan area.

Other cities and areas using composting include Phoenix, Arizona, Wilmington, Delaware, Fort Lauderdale, Florida, Columbus, Ohio, and Clinton County, New York.

LANDFILLING

Landfilling is a method in which sludge is deposited in a dedicated area, alone or with

solid waste, and buried beneath a soil cover. It is primarily a disposal method, with no attempt to recover nutrients and only occasional attempts to recover energy from the sludge. (In the latter case, the decomposition of organic matter produces methane and other gases, which can be recovered and used as an energy source. However, gas recovery currently is not practiced at sludge-only landfills, which normally are smaller than the large landfill size needed for economical gas recovery.)

EPA and others report that the trend is moving away from this option, as landfill space becomes less available, disposal costs increase, and public policies favor beneficial use. Many municipalities that previously were able to landfill have recently turned to other options, such as land application.

Orange County, California. Most is being landfilled now, but officials eventually would like to reclaim/recycle their wastewater. The county has congressional authorization for a deep ocean outfall research project (section 509 of Public Law 100-4), but has not done anything to proceed with it, according to EPA.

San Francisco, California. Most of its sludge is landfilled, through private contracts.

Niagara Falls, New York primarily uses sludge-only landfill.

INCINERATION

Incineration is a two-step process consisting of sludge drying and combustion. Strictly speaking, it is a treatment method, not a sludge disposal or use method. Yet, it has traditionally been considered a disposal method, because the volume of solid materials is reduced greatly—to 25 percent of its original mass. Incineration is particularly advantageous at locations where land disposal of sludges is limited or prohibited. Its disadvantages include relatively high capital and operation and maintenance costs, plus the likelihood that pollution control devices will be needed to control emissions to the atmosphere.

Approximately 180 cities have operational incinerators for sludge disposal, including the following:

City of Los Angeles. For 30 years the city discharged a portion of its sludge (4 million gallons per day) through an ocean outfall into Santa Monica Bay; this ceased as of the end of 1987. Now, despite some current technological problems (because of the size of the project, 420 million gallons per day), the City is converting to a resource recovery project, using the Carver-Greenfield process. Carver-Greenfield is a multi-stage sludge incineration process that is environmentally sound: it reduces air pollution, requires no discharge to water, and also produces energy. Part of the resulting energy will be used to operate the facility, the remainder will be sold to local power utilities. Capital costs of the project are now estimated to be $400 million, more than double the cost estimated when the project began in 1979.

While the technological problems are being worked out, temporarily the City is bypassing most of its sludge to landfills. A portion of the city's sludge has been, and also will continue to be, managed through land application, but available land is in short supply.

Detroit, Michigan evaluated land application, but decided it was not feasible (this is the opposite of Washington, D.C., which evaluated and would prefer incineration, for which there is considerable local opposition.)

Key West, Florida has awarded a $2.25 million contract to build a sludge incineration system. It is one of the few remaining cities of its size (population 20,000) that lacks a wastewater treatment plant. Currently, the city discharges an estimated 3 to 9 million gallons per day of raw sewage, rainwater, and saltwater into the Atlantic Ocean.

These cities also use incineration: Buffalo, New York, Rochester, New York, Hartford, Connecticut, Atlanta, Georgia, and St. Louis, Missouri.

Mr. ROTH. But, Madam President and colleagues, I am seriously concerned that the continuation of ocean dumping may create ecological imbalances with undesired consequences. It is for that reason that I have come to the conclusion that it is in the best interest of the Congress of the United States to tell these communities to get out of this bad habit. As duly elected Senators representing this beautiful Nation of almost a quarter of a billion people, we must tell the eligible authorities in New York City, two Long Island communities and the New Jersey municipalities, that enough is enough. The longer dumping is allowed to continue, the more we hurt ourselves and our future. Now is the time to end ocean dumping once and for all. The U.S. Senate has a responsibility to make sure it is done properly and that it is done fast. This legislation will accomplish this goal. I urge my colleagues to lend us their support.

Madam President, if appropriate I would like to call up an amendment at this time.

AMENDMENT NO. 2824

(Purpose: To make certain technical changes)

Mr. ROTH. Madam 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 Delaware [Mr. ROTH] proposes an amendment numbered 2824.

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

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

The amendment is as follows:

On page 7, line 8, immediately after the period, insert "Nothing in this paragraph shall affect the prohibition contained in subsection (e)(1).". On page 10, line 24, before the period insert ", and the eligible authority acted in good faith".

Mr. ROTH. Madam President, in the interest of time, and because I believe the amendment will be acceptable to both sides, I have decided to offer one amendment which incorporates the changes I wanted to make. I wish to note that the Oceanic Society and Mr. John Bryson, director of the Mid-Atlantic Fisheries Management Council, both strong supporters of legislation to stop ocean dumping, support my changes.

First, I want to make slight changes in the wording of the compliance agreement provisions of the bill. It currently reads, on page 7, lines 2 through 4 as follows:

The plan shall provide for the phasing out of ocean dumping if the Administrator determines such phasing out is feasible.

Unfortunately, this language could be construed as undercutting the timetable imposed by the pending legislation. The paramount purpose of the pending legislation is to terminate ocean dumping on or before December 31, 1991, and to authorize the Administrator to enter into compliance agreements which reduce the present level of ocean dumping to zero by such date. Lest anyone construe the quoted language as inconsistent with the bill's paramount purpose, my amendment clarifies the fact that phasing out of ocean dumping must be completed, as the bill otherwise states, by December 31, 1991.

In this respect, it adds at the end of subsection (C)(1):

Nothing in this paragraph shall affect the prohibition contained in subsection (E)(1).

Madam President, my second change addresses a question raised on page 10 of the bill which states that the Administrator has the ability to forgive an eligible authority, which while doing everything it can to comply with its compliance agreement encounters circumstances beyond its control, and is unable to meet the dates prescribed by the compliance agreement. If this happens the Administrator may use his or her discretion and determine, for purposes of fines, that the authority was in compliance. This provision in the pending legislation is similar to a provision in the bill I introduced, S. 2066.

The question this provision deals with is what are the consequences of an eligible authority responding: "We cannot comply." Since the provision deals with noncompliance only before the absolute termination date specified in subsection (E)(1), it was intended to tolerate noncompliance only to the extent that full-compliance is technologically impossible or infeasible. This, to me, is what is meant by "circumstances beyond its control," in the present text.

However, further study of the language has led to the conclusion that this language could become a pretext for ignoring the goals of the legislation. It seems to me quite possible that an eligible authority could arrange for circumstances that frustrate compliance. It was never my intention to create that kind of loophole. Therefore, my amendment makes clear that the eligible authority must act in good faith.

It is important to make our intentions on this point absolutely clear. If experience is a realiable guide, eligible

authorities will do whatever possible to wiggle out of the grasp of this environmental mandate. My involvement in efforts to induce Philadelphia and Camden to stop ocean dumping reinforce my intention.

Therefore, my amendment makes clear that the wiggle room is limited. This amendment only clarifies what our intention is. But it is necessary to do so. This matter may well be litigated. What seems so clear to us as we act today may not appear so clear to a judge who must decide in a different time and a different place.

I urge the adoption of my amendment.

Mr. LAUTENBERG. Madam President, I thank the Senator from Delaware for his diligence in reviewing this legislation to make sure that our intent is clear.

The technical amendments he has proposed help to ensure that there are not going to be any loopholes in the bill, that we are closing the door once and for all, and we are saying, "Ocean, we are here to help you, instead of abuse you."

I urge the adoption of the Senator's amendment.

Mr. CHAFEE. Madam President, I commend Senator ROTH for his amendment, which includes two parts. They are both excellent.

As he said, he is looking at the situation as a judge might look at it who is not aware of the atmosphere here today on the floor, may not be aware of the purposes we have, can only look at the cold language of the legislation. He has taken care of that.

I believe that as a result of his amendment, we have forestalled any escape hatches from this legislation. I think it is an excellent provision he has suggested, and I certainly hope we will adopt it. On this side, we are in favor of his amendment.

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

The amendment (No. 2824) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. ROTH. Madam President, I thank the distinguished chairman and my distinguished colleague from Rhode Island for their cooperation in this matter.

I should like to ask the chairman, Senator LAUTENBERG, if I may propound some questions at this stage.

Mr. LAUTENBERG. Certainly.

Mr. ROTH. Madam President, I ask the chairman a question regarding subsection (e)1, a principal provision in the bill, to which some refer as the drop-dead date when ocean dumping must stop.

The question is this: When December 31, 1991, has come and gone, is there any conceivable way that an eligible authority may legally continue to dump sludge in the ocean?

Mr. LAUTENBERG. In response to the concern of the Senator from Delaware, I say that there was no intention on our part, as I wrote this legislation, to permit any extensions or exceptions of the 1991 deadline. It was my intention to make it illegal to ocean dump sewage sludge after 1991 illegal.

Mr. ROTH. My reason for propounding these questions is this: As the Senator well knows, a number of us once thought, many years ago, that we had taken the kind of action that was going to stop, once and for all, this practice of ocean dumping. Unfortunately, one court saw otherwise and reopened the whole problem.

So let me ask this: Does this mean that the courts may not permit dumping beyond that date, under any powers they may have?

Mr. LAUTENBERG. That is my intention. The court may not make it legal to dump sewage sludge after 1991. That is why the bill was drawn as precisely as it was. The bill is very specific. There are no conditions. We do not have to prove damage to the ocean. What we are saying is that once the legislation is signed into law, there will be a clear deadline to end sludge deadline. We do not specify the land-based alternatives that the dumpers should use, but we know that alternatives exist, as was clearly stated by the Senator from Rhode Island in his comments.

Mr. ROTH. Would the provision also terminate any authority the administration might have to allow dumping beyond such date?

Mr. LAUTENBERG. The legislation also terminates any such authority.

Mr. ROTH. Then it is clear that an eligible authority that continues to dump beyond December 31, 1991 is subject to fines as provided in this bill without possible escape?

Mr. LAUTENBERG. That is correct. The bill is designed to close the door or, as the Senator so clearly said, close the escape hatch. That is what we intend to do and that is what we have done and the Senator's amendments have been very helpful in that regard and we thank him for that.

Mr. ROTH. I thank the distinguished chairman for his very precise answers and again I congratulate him as well as his distinguished colleague, Senator CHAFEE, for the outstanding leadership they displayed in this matter.

AMENDMENT NO. 2825

(Purpose: To enact the Shore Protection Act of 1988)

Mr. LAUTENBERG. Madam President, I send an amendment to the desk on behalf of myself and Senator BRADLEY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from New Jersey.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] for himself and Mr. BRADLEY proposes an amendment numbered 2825.

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

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

The amendment is as follows:

At the end of the bill, add the following:

TITLE I—SHORE PROTECTION ACT OF 1988

SHORT TITLE

SEC. 101. This title may be cited as the "Shore Protection Act of 1988".

DEFINITIONS

SEC. 102. As used in this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "municipal or commercial waste" includes all solid waste, as defined in section 1004(27) of the Solid Waste Disposal Act, subject to the requirements of section 4003(a)(2) and other provisions of subtitle D of such Act. Such term shall include municipal garbage and refuse, commercial refuse, medical wastes, wood debris, and other solid waste. Such term shall exclude debris solely from construction activities, sewage sludge as regulated under the Ocean Dumping Act, and dredged or fill material as regulated under the Ocean Dumping Act, the Clean Water Act, and the Rivers and Harbors Act of 1899;

(3) "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

(4) "receiving facility" means the facility or operation where the waste material is unloaded from a vessel;

(5) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(6) "type of waste" means a characterization of the waste as municipal waste, commercial waste, medical waste, or waste of another character;

(7) "United States" includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands;

(8) "vessel" means any watercraft (other than a federally owned or private recreational watercraft) used for the purpose of transporting municipal or commercial waste;

(9) "vessel operator" means the person primarily responsible for the operation of the vessel;

(10) "vessel owner" means any person owning such vessel;

(11) "waste source" means the facility or vessel from which the municipal or commercial waste is loaded onto a vessel, including any rolling stock or motor vehicles from which such waste material is directly loaded; and

(12) "coastal waters under the jurisdiction of the United States" means—

(A) the territorial sea, and the marine and estuarine waters of the United States up to the head of tidal influence, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of the territorial sea, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured.

VESSEL IDENTIFICATION NUMBERS

SEC. 103. (a) No vessel may be used by any person to carry any municipal or commercial waste for any purpose within the coastal waters under the jurisdiction of the United States without first obtaining a vessel identification number for that vessel from the Secretary and displaying such number on the vessel in a clearly visible manner and location.

(b) Application for the vessel identification number required by subsection (a) shall be made by the vessel owner and shall contain the following information—

(1) the name, address, and phone number of the vessel owner or owners;

(2) the vessel's name and registration number;

(3) the vessel's home port;

(4) the vessel's transport capacity;

(5) a history of the types of cargo carried by that vessel during the previous year, including the type of waste carried; and

(6) signed certification by the vessel owner that all of the provided information is accurate.

(c) The Secretary shall make the vessel number application forms publicly available within 60 days after enactment of this Act.

(d) The vessel identification number must be renewed at least every 5 years and at any time that the vessel changes ownership. No new owner may operate the vessel or may allow the vessel to be operated using the vessel identification number obtained by the previous owner.

(e) The Secretary is authorized to collect up to $1,000 from the vessel owner to compensate for the cost of the issuance and maintenance of vessel identification numbers and maintaining records.

(f) Beginning 240 days after enactment of this Act, no vessel may carry municipal or commercial wastes unless a vessel identification number has been obtained for that vessel at least 30 days before the transport of such wastes takes place.

(g) The Secretary is authorized to, or at the request of the Administrator, shall deny a vessel identification number to any vessel for which the owner or operator has a record of a pattern of serious violations of this title, the Solid Waste Disposal Act, the Marine Protection, Research, and Sanctuaries Act, the Rivers and Harbors Act of 1899, or the Clean Water Act.

(h) The Secretary, after consultation with the Administrator shall issue or deny a vessel identification number in accordance with this section within 30 days after receiving a complete application.

(i) If the Secretary, after consultation with the Administrator, proposes to revoke or deny the vessel identification number, there shall be a public hearing on such proposed revocation or denial if the vessel owner requests such a hearing.

(j) The Secretary is authorized to combine applications for vessel identification numbers required under this title with applications for any other required registration number provided—

(1) the Coast Guard maintains a separate list of vessels subject to the requirements of this title; and

(2) the information requirements are consistent with those required under this title.

WASTE HANDLING PRACTICES

SEC. 104. (a) Beginning 60 days after the enactment of this Act—

(1) The owner or operator of the waste source shall take all reasonable precautions to assure that all municipal and commercial waste is loaded onto the vessel and that such waste deposited in the water is minimized.

(2) The vessel owner or operator shall assure that all municipal and commercial waste loaded onto the vessel is properly secured by netting or other means which will assure that the waste will not be deposited into the water during transport.

(3) The disposal facility owner or operator shall assure that all municipal and commercial waste is offloaded in a manner which assures that such waste deposited into the water is minimized during the unloading operations or during interment into the landfill.

(4) The owner or operator of any waste source or receiving facilities shall provide adequate control measures to collect any municipal or commercial waste that is accidentally deposited into the water.

(b) The Administrator shall promulgate regulations further defining and implementing the requirements of subsection (a). Such regulation shall require that waste sources and receiving facilities provide the means and facilities to assure that the waste will not be deposited into the water. Such regulations may require the submission and adoption by each affected party of an Operation and Maintenance Manual identifying procedures to be used to prevent, report, contain, and clean up any spill of municipal or commercial waste including recordkeeping and reporting requirements. Nothing in this section shall be construed to affect or supersede the Marine Protection Research, and Sanctuaries Act or the Solid Waste Disposal Act.

ENFORCEMENT

SEC. 105. (a)(1) Whenever on the basis of any information the Secretary (in the case of a violation under section 103) or the Administrator determines that any person has violated or is in violation of any requirement of this title the Secretary or the Administrator, as the case may be, 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 Secretary or the Administrator, as the case may be, 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) The Secretary may, and at the request of the Administrator, shall include a suspension or revocation of any vessel identification number issued by the Secretary under this title in any order issued pursuant to this section. Any order issued pursuant to this section shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of section 103 or $25,000 per day of noncompliance for each violation of section 104. In assessing such a penalty, the Secretary or the Administrator, as the case may be shall take into account the seriousness of the violation, past violations, and any good faith efforts to comply with applicable requirements.

(3) Any order issued under this subsection shall become final unless, no later than 30 days after the order the person or persons named therein request a public hearing. Upon such request the Secretary or the Administrator, as the case may be, shall promptly conduct a public hearing. In connection with any proceeding under this section the Secretary or the Administrator, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(4) If a violator fails to take corrective action within the time specified in a compliance order, the Secretary or the Administrator, as the case may be, may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Secretary may, or at the request of the Administrator shall, suspend or revoke any vessel identification number issued to the violator.

(5) In the discretion of the Secretary or the Administrator, as the case may be, up to one-half of such penalties may be paid to the person or persons giving information leading to the assessment of the penalty.

(b) 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. Each day of such violation shall, for the purposes of this subsection, constitute a separate violation.

(c) Any person who shall knowingly violate, or that shall knowingly aid, abet, authorize, or instigate a violation of this Act, shall be fined not more than $50,000 or imprisoned for not more than 3 years, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment. In the discretion of the court, up to one-half of such fine may be paid to the person or persons giving information leading to conviction.

(d)(1) Anyone authorized by the Secretary to enforce the provisions of this title may, (A) board and inspect any vessel on the coastal waters under the jurisdiction of the United States, (B) with or without a warrant arrest any person who violates the provisions of this title or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(2) The Secretary of the Treasury may refuse the clearance required by section 4197 of the revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this title which does not have a vessel identification number in compliance with section 103.

(3) The Secretary may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this title which upon request, does not produce evidence that the provisions of this title have been complied with.

(e) The Secretary may, or at the request of the Administrator shall revoke the vessel identification number in any instance where

egregious or multiple violations have taken place. Before such action becomes final, the vessel owner must be given 30 days notice and opportunity for a hearing in accordance with subsection (a)(3). In the case of persistent violators with five or more separate violations within a 6-month period, the Administrator is directed to conduct an investigation of the vessels facility or operator. This shall not be construed to limit the Administrator's authority to investigate or the Secretary's authority to revoke vessel identification numbers in instances where egregious violations have taken place.

(f) This section shall be carried out with respect to foreign vessels consistent with the obligations of the United States under international law.

TRACKING STUDY

SEC. 106. (a) The Administrator, in consultation with the Secretary, shall undertake a study to determine the need for, and effectiveness of additional tracking systems for vessels to assure that municipal and commercial waste is not disposed in coastal waters under the jurisdiction of the United States. In conducting this study, the Administrator shall use the data collected from its permitting and enforcement activities and from the data compiled under section 103. In determining the effectiveness of tracking systems, the Administrator shall rely on the information provided by the Secretary under subsection (b). The report shall include a recommendation on whether additional tracking mechanisms are needed. This study shall be submitted to the Congress within 24 months after enactment.

(b) The Secretary shall provide recommendations to the Administrator concerning the various tracking systems that might be applicable to vessels carrying municipal or commercial waste which he currently is studying. The Secretary shall consider the relative effectiveness of various systems and the relative costs of the systems both to the Federal Government and to the vessel owner.

COAST GUARD RESPONSIBILITIES

SEC. 107. (a) The Secretary shall assure that periodic checks are made of vessels operating under this title transporting municipal or commercial waste to determine that each of these vessels carries the appropriate vessel identification number required by section 103.

(b) If the Administrator determines under section 7(a) that tracking devices are required to assure adequate enforcement of laws preventing coastal or ocean dumping, the Secretary shall issue regulations to require installation of the appropriate devices within 18 months after the Administrator completes the report the Administrator required under section 7.

RELATION TO OTHER LAWS

SEC. 108. (a) Nothing contained in this Act shall be construed, interpreted or applied to diminish obligations under any other Federal or State law, whether statutory or common.

AUTHORIZATION

SEC. 109. There are authorized to be appropriated $1,500,000 for each of the fiscal years 1989 and 1990, to support the provisions of this title.

Mr. LAUTENBERG. Madam President, I offer an amendment on behalf of myself and Senator BRADLEY to control the transport of garbage so that these wastes are not disposed of at sea. The amendment is based on S. 1751, the Shore Protection Act, which Senator BRADLEY and I introduced last year and which was approved unanimously by the Senate Environment Committee on July 14 and includes useful technical changes recommended by the Commerce Committee.

Waterborne waste materials and debris adversely affect coastal and ocean waters and shorelines. Beaches with washed-up garbage and medical waste are unsightly and potentially unsafe, and can result in beach closings adversely affecting the tourist economy. The Centers for Disease Control have determined that medical waste such as contaminated needles, human blood and blood products, pathological parts and laboratory wastes possess the potential to transmit disease. In addition, debris in the marine environment can adversely affect marine mammals, waterfowl or fish causing death or injury when these resources become entangled with or injest debris.

According to the Center for Environmental Education, a beach cleanup effort in 19 coastal States last fall collected more than 700 tons of debris. This waste is generated by a number of different land- and ship-based sources. In 1987, the Congress passed the Marine Plastic Pollution Research and Control Act of 1987—Public Law 100-220—to regulate the discharge of plastics and other garbage at sea. Other laws, including the Clean Water Act, the Ocean Dumping Act, and the Rivers and Harbors Act of 1899, regulate the discharge or dumping of material into rivers and ocean and coastal waters.

Last summer, garbage washed up on New Jersey beaches causing beach closings in a 25-mile area between May 27 through May 29 and in a 50-mile area from August 13 through 16. Already in 1988, New York beaches on Long Island and Staten Island have been closed because of garbage washups. Some of the garbage washups have contained medical waste including hypodermic needles, syringes, blood bags, gauze dressings, and vials of blood. Medical wastes also have washed up on a few New Jersey beaches although none have been closed. Medical waste also has been washing up on New England beaches causing heightened concern over the dangers of accidental contamination.

In a March 1988 EPA report, Floatables Investigation, EPA concluded that the landfill and barging operations at Fresh Kills landfill are a major source of floatables in the New York Harbor complex. Other sources include storm sewers, land runoff, litter, and decaying piers. Under certain meteorological and oceanographic conditions, floatables can be deposited on beaches in New York and New Jersey. EPA and State officials believe that the medical wastes which have washed up on beaches may be the work of illegal dumpers.

Improper disposal of municipal waste resulting in increased waterborne waste may increase as options for municipal solid waste decrease. According to EPA, although 80 percent of all municipal solid waste is disposed of in landfills, one-third of all existing municipal landfills will be full by 1994. Many States are running out of landfill capacity and are transporting their wastes greater distances for disposal. As a result, prices to dispose of garbage are rising. These increasing costs increase the possibility of illegal disposal.

The transportation of municipal waste is likely to increase as landfill capacity decreases. A survey conducted by the Coastal States Organization [CSO], which represents Governors of 35 coastal States, Commonwealths, and territories, found that many of the surveyed States have experienced interstate municipal waste traffic in their waters and nearly all of the States believe that transportation of garbage through their coastal waters is a problem they will soon have to address.

This problem was highlighted by the 6,000 mile, 6 month journey of the *Mobro 4000*, a barge loaded with 3,100 tons of garbage which was unable to find a disposal location. Another barge, the *Khian Sea*, has been trying to unload its 15,000-ton cargo of ash from Philadelphia without success since September 1986 in ports as far away as the Caribbean and West Africa. Barges aimlessly carrying municipal waste pose the potential of illegal ocean disposal.

One existing marine garbage operation occurs with the unloading of New York City garbage at the 3,000-acre Fresh Kills landfill in Staten Island. Garbage is loaded at marine transfer stations around the city and shipped by barge to the landfill. EPA says that the landfill and barging operations at the Fresh Kills landfill appears to be a significant source of dispersed floatables. As a result of a lawsuit initiated by the township of Woodbridge, NJ—*Township of Woodbridge* v. *City of New York*, Civil Action No. 79-1060 (D.C.N.J.)—a consent order was entered which requires New York City to take a series of measures to clean up its marine transfer stations, garbage barges, and the Fresh Kills landfill to reduce the amount of floatable garbage polluting the waters. EPA has not to date taken enforcement actions to stop the discharge of garbage from these operations under its existing authority and has not established any operating procedures to regulate garbage barge operations.

My amendment addresses this problem by establishing a number of re-

quirements to address the problem of garbage in the ocean and coastal waters and on the beaches. Vessels carrying any garbage, defined in the bill as municipal or commercial waste, are required to obtain identification numbers from the Coast Gaurd.

The purpose of this requirement is to aid the Coast Guard in its enforcement of the Ocean Dumping Act, the Marine Plastic Pollution Research and Control Act of 1987, and other applicable Federal laws to prevent the illegal disposal of waste in coastal and ocean waters. First, this requirement establishes a means to identify the universe of vessels which are transporting these wastes, allowing the Coast Guard to focus its enforcement efforts. Any vessel which does not have an identification number is in violation of the Shore Protection Act. Second, the provision serves as a deterrent to vessel operators who might consider illegally dumping their municipal or commercial waste knowing that the Coast Guard's capacity to track such vessels has been enhanced.

The amendment also requires that facilities loading and unloading garbage and vessels carrying garbage are required to take measures to prevent garbage from being deposited into the water. The Environmental Protection Agency is required to establish specific waste handling measures by regulation.

The purpose of this section is to assure that municipal or commercial waste is not deposited in the water. The bill requires vessels to use nets or other means to prevent the spilling of municipal or commercial waste into the water. A single or combination of methods may be used, including the use of vessels specifically designed for the purpose of transporting waste. EPA will be responsible for specifying measures that are necessary to prevent municpal or commercial waste spillage. The bill also provides that in the event waste is deposited in the water that it be contained and promptly cleaned up.

Finally, the amendment provides penalties for violations of any of the bill's provisions. EPA and the Coast Guard would be required to undertake a study to determine if additional tracking systems for garbage barges are necessary; $1,500,000 is authorized for fiscal years 1989 and 1990 to carry out this amendment.

Madam President, I urge adoption of the amendment.

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

Mr. CHAFEE. Madam President, it is an excellent amendment. What it does is tighten up on the transportation of garbage and refuse along our shores. It provides for the clear labeling of the barges. It provides for the proper netting and covering over such loads. I think it is an excellent amendment and commend the Senator from New Jersey for his careful attention to this matter.

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

Is there objection to this amendment?

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

The amendment (No. 2825) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2826

(Purpose: To amend the Federal Water Pollution Control Act)

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

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Minnesota.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 2826.

Add at the end thereof the following new section:

SEC. . Section 118 of the Federal Water Pollution Control Act is amended by adding "as amended in 1987" after "the Great Lakes Water Quality Agreement of 1978" wherever it occurs.

Mr. DURENBERGER. Madam President, this is a technical amendment, as the reading indicates, to section 118 of the Clean Water Act. That section authorizes a research and demonstration program for the Great Lakes.

The Congress adopted section 118 as part of the Water Quality Act of 1987. So it is a recent addition to the law. It is being implemented by the Environmental Protection Agency.

Section 118 makes reference to the water quality agreements that have been entered into by the United States and Canada.

These agreements are intended to protect and improve the quality of waters in the Great Lakes and in other boundary waters.

The first agreement on this subject was signed in 1978 and is referred to as the Great Lakes Water Quality Agreement of 1978. That is the reference in the Clean Water Act.

In 1987, after we enacted section 118, Canada and the United States entered into a second agreement, essentially amending the earlier accord. That second agreement is called the Water Quality Agreement of 1987.

Even though it is an amendment to the 1978 agreement, EPA has taken the position in implementing the Clean Water Act that the 1987 agreement is a separate matter and not the subject of section 118.

Although we believe that is not a proper reading of the law and the relationship between the two agreements, nevertheless, that is EPA's position. We can fix that error with this technical amendment. This amendment would correct the problem by incorporating the 1987 agreement in the section 118 reference.

The Clean Water Act would then say, the "Great Lakes Water Quality Agreement of 1978, as amended in 1987."

This is a technical amendment, but not without consequence.

The 1987 water quality agreement includes some important new steps in the management and protection of the Great Lakes.

Clearly, we want that agreement implemented because it reflects our promise to Canada with respect to the protection of these vast and shared resources.

And clearly we intended in the Water Quality Act of 1987 to coordinate the provisions of the Federal Clean Water Act with the international agreements on the Great Lakes.

So, we can complete that connection and incorporate the substance of the 1987 agreement under the provisions of the Clean Water Act by adopting this amendment here today.

Mr. LAUTENBERG. Madam President, the amendment is acceptable on this side. We thank the Senator for his contribution.

Mr. CHAFEE. Madam President, the amendment is an excellent one. I commend the distinguished Senator from Minnesota for this amemdment and it is acceptable here.

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

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

The amendment (No. 2826) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DURENBERGER. Madam President, while I am on my feet I thank the managers of the bill. More than that, as a member of the Environment and Public Works Committee, may I say to my colleagues what a debt of gratitude we owe to the distinguished Senator from New Jersey for his leadership as chairman of the subcommittee and our colleague from Rhode Island.

Even though it is sort of coming on the floor here in the midst of what are supposedly more pretentious, if you will, legislative issues, this is a very significant accomplishment on behalf of our two colleagues who have worked very, very hard on this issue and as one of their colleagues on the Environment and Public Works Committee who has admired the work that both Senators LAUTENBERG and CHAFEE have done in this area, I rise to compliment them and congratulate them on the bill they have before us today.

Mr. LAUTENBERG. Madam President, I thank the distinguished Senator from Minnesota.

It is interesting to note that on the Senate Environment Committee on which all of us presently work we work closely together on a bipartisan basis in the interest of a better environment for all States, be they coastal or inland. The fact is that our quality of life in this country is greatly affected by the quality of our environment.

Madam President, this is an exciting moment for all of us who live in coastal States, whether Rhode Island or Maryland or New Jersey or Delaware or New York, or inland States like Minnesota.

We are focusing this moment on our ocean. The ocean is groaning under assault. She is screaming for help, asking for relief, virtually throwing up on our beaches that which we casually discard upon her body.

The oceans and the coastlines are a precious part of the resources that not only belong to this country but to the entire Earth. And it is time to stop the assault and come to her rescue.

Nature fights back when given half a chance. It is interesting to see rivers, once so polluted that they appeared walkable on instead of swimmable in, now welcoming back salmon. The Hudson River is seeing the return of fish. Yes, they are contaminated with chemicals and pollutants, and we hope the day will soon come when they do not, but they are fighting back. Nature is a wonderful thing and she has enormous strength. But she cannot fight the battle with her hands tied behind her back.

So now is the time that we all declare an end to that assault, to the abuse of our oceans.

There is no time for postponing the action we are taking today.

New exploration, whether in space, on land, or in the sea is important. But if in any way it is at the cost of protecting these precious resources, we best take a second look. Some of the funds that we have committed to more exotic, albeit necessary programs ought to be viewed in the context of what we do if we short-change the protection of our natural resources that are so essential.

I think my colleagues for their support and their help.

Madam President, I believe that is the end of the amendments. We are ready to adopt the committee amendment, as amended, and go to third reading.

Mr. CHAFEE. If I might, Madam President, I just want to do two things. First, to thank and congratulate our colleague from Minnesota for the wonderful assistance he has given us, not only in connection with this matter but on other matters as well. He is the premier leader in our Environment Committee on ground water and inland water problems and has been such a tremendous help.

I also want to pay tribute to the leader of the subcommittee, Senator LAUTENBERG, who has done such an excellent job in connection with this and who has eloquently spoken about what our oceans mean to us, the limit of the abuse the oceans can absorb, and how this is a major step forward in trying to clean up our oceans and particularly the Atlantic Ocean.

All of us across the world have a duty to do what we can to keep these oceans clean and to end the abuse. So this is perhaps more than a small step. I hope it is a major step forward in keeping our oceans at least cleaner than they are now.

I thank my colleague who has done such a fine job. We are ready to go to final passage.

The PRESIDING OFFICER. Are there any other amendments to the bill? If not, the question is on agreeing to the committee substitute, as amended.

The committee substitute, as amended, was agreed to.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LAUTENBERG. Madam 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. BYRD. Madam President, I suggest our respective cloakrooms put out the word that a rollcall vote is imminent and Senators should start pointing their compass this way.

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

The PRESIDING OFFICER. The clerk will call the roll to establish the presence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Madam President, in view of the imminence of the vote we are about to have, I want to just take a moment to say thank you for the help and assistance given me and given my distinguished colleague from Rhode Island by the other 10 sponsors of this legislation. It comes at a particularly difficult time as we prepare for our recess. There is a lot to be done on very important legislation.

But I think it is significant that this body, the U.S. Senate, sees this legislation as important enough to take up.

I wish to thank all those who played a role on the professional staff and who worked very hard to get this done: Jeff Peterson, Roy Kienitz, and Brenda Bohlke of the majority staff; Rich Innes of Senator CHAFEE's office; Paul Kerkhoven of Senator ROTH's office; Barbara Bankoff of Senator BRADLEY's office; and my staff assistant, Ric Erdheim, and Mitchell Ostrer, both of whom have been of enormous help. I wanted to make sure that the record reflected the fact that this took a lot of effort, a lot of work, and that we have come up with what I think is an excellent piece of legislation as I hope you will see by the volume of support for this bill.

Mr. CHAFEE. Madam President, I would like to join in the thanks of the staff, as Senator LAUTENBERG mentioned, to Rich Innes, Ric Erdheim, Jeff Peterson, and Paul Kerkhoven and others who have been so helpful in doing the tough work. It is very, very technical and complicated. They have done an excellent job.

OCEAN DUMPERS MUST PAY THE FULL COSTS

Mr. PELL. Madam President, I strongly support S. 2030, the Ocean Dumping Reform Act. I am a cosponsor of this measure, which would phase out the ocean dumping of sewage sludge by the end of 1991.

I want to express my appreciation to both the junior Senator from New Jersey [Mr. LAUTENBERG] and my colleague from Rhode Island [Mr. CHAFEE] for their tireless work on this vital measure.

The Ocean Dumping Reform Act is designed to close the loopholes in existing law by making it unlawful to dump sewage sludge in the ocean after 1991 without any exceptions. It also provides tough penalties for exceeding that deadline—penalties that show we mean business.

Rhode Island Lt. Gov. Richard A. Licht recently shared with me some excellent and constructive suggestions about how the revenues from those penalties might be used. I will go into detail about those suggestions in a moment.

Frankly, I have been somewhat reluctant to join as a cosponsor of the Ocean Dumping Reform Act because I would far prefer an immediate moratorium on ocean dumping of sewage sludge under existing law.

As I have advised Administrator Lee Thomas of the Environmental Protection Agency:

> We should not accept the unproven premise that dumping about 8 million wet tons of concentrated municipal waste—including heavy metals and hazardous pollutants—into the dynamic currents off the East Coast each year will not hurt neighboring fisheries.
>
> Scientists are unsure of many important facts, including the exact dispersal and impact of dumped pollutants—even if the sludge is dumped precisely at the designated site. According to witnesses, however, this precision is not always practiced.
>
> The burden of proof, clearly, is upon those who are seeking to use our common resources as a sewer. The challenge to find other sludge disposal methods is one that every other community in the United States has managed to meet.

In a recent meeting with Mr. Thomas, I also advised him that, in my opinion, "EPA has the regulatory power, but thus far has lacked the will to force New York and New Jersey to seek alternate sludge disposal methods."

The Administrator has given me a written statement of EPA policy's that "ocean dumping of waste materials is bad policy, and we should do all we can to discourage it."

In addition, however, he noted that—

> Ocean dumping of waste materials may be technically allowable under limited circumstances, such as when no other environmentally sound, economically achievable alternatives are available, or the waste is clearly harmless.

Although New York and New Jersey communities are taking advantage of technicalities to continue ocean dumping, we now have EPA's firm policy statement that the agency is committed to doing all that it can to discourage the practice.

The Clean Water Act required EPA to put forward sludge disposal regulations last year and set a 2-year grace period for communities to comply with the regulations. The lack of those regulations helped provide legal grounds for New York to continue ocean dumping.

I have pressed EPA's Administrator to issue those long-overdue regulations and, I am happy to report, he recently advised me that the agency will issue proposed regulations covering the disposal of sewage sludge in municipal landfills within a few weeks.

These regulations will be offered under subtitle D of the Resource Conservation and Recovery Act. He also advised me that EPA plans to issue proposed regulations in the spring of 1989 for a number of final use and disposal practices for sewage sludge.

I want to emphasize that these regulations are particularly important in view of our deliberations today. Regardless of the deadlines that we set in this legislation, the existence of formal regulations will reduce grounds for potential legal challenges.

It has become clear that New York and EPA's region 2 staff have long surrendered any intention of trying to end sludge dumping quickly. The New York Times cited a tentative "realistic" deadline of ending ocean dumping by 1998. We must make it clear that we cannot wait and that it will cost everyone dearly if we do not move much faster.

The outrageous proposal to delay a complete solution until at least 1998, a deadline that might well slip into the next century, convinced me that we must approve the Ocean Dumping Reform Act. We must also make sure that any firms and communities that violate our 1991 deadline will pay—and pay heavily for their failures.

That brings me to the excellent and constructive suggestions of Rhode Island Lt. Gov. Richard A. Licht. His suggestions, in my view, add an element of justice and a sense of balance to what otherwise might be merely punitive fines.

In brief, he suggested that fines for ocean dumping should be used to create a fund which might be used to pay for antipollution enforcement activities and to support marine pollution and fisheries research programs.

The money from such a dedicated fund might, for example, be used to increase support for the Sea Grant College Program's marine pollution and fisheries research and to boost Coast Guard antipollution enforcement programs.

The Lieutenant Governor's approach on this matter was established 4 years ago when his first-in-the-Nation temik relief fund was established to help Rhode Islanders who were victimized by temik pollution in their wells.

The concept that polluters should be directly responsible to those they hurt is a good one and, in my opinion, clearly should be applied to ocean dumpers.

Lieutenant Governor Licht and I share the belief that if New York and other dumpers are required to pay fines to help those they are hurting, there will be more incentive to stop dumping quickly and seek alternatives.

We all must do whatever we can to speed the end of both legal and illegal ocean dumping. Lieutenant Governor Licht recently eloquently expressed the need when he warned:

> Simply hiding toxic waste does not make it disappear and we must all learn that toxics placed into the environment will come back to haunt us whether through the food we eat or the air we breathe. It is time for our environmental policies to be proactive, not reactive * * * protecting our future, not our past.

It is clear that we must set a firm deadline to ending ocean dumping by the end of 1991 at the latest, and we must make the penalties for exceeding that deadline stiffer than the cost of compliance.

The Ocean Dumping Reform Act represents a serious effort to achieve that end. As the 1991 deadline approaches, we should review the excellent suggestions of Lieutenant Governor Licht to dedicate any fines for dumping to help the victims of the dumping.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, I want to thank the distinguished Senator from New Jersey, Senator LAUTENBERG, and our distinguished friend from Rhode Island, Senator CHAFEE, for this ocean dumping bill. As has already been noted, we passed an ocean dumping bill back in 1970. It was pursuant to hearings that we had extensively with the likes of Dr. Heyerdahl and many others who came to the Congress talking about the oceans being polluted.

On the first trip of Dr. Heyerdahl, on the Kon Tiki, he could dip his toothbrush, he said, into the ocean and brush each day. But on the second trip of Ra II, he could not dip at any time without picking up an oil slick.

So we put in that ocean dumping bill. We organized the ocean policy study and we made certain exceptions around Boston Harbor and New York that were necessary at the time for enactment of the legislation.

This legislation reflects some of the frustration we have experienced in our effort to protect the oceans from the dumping of sewage sludge. Back in 1972, the Congress realized that, "What goes around comes around," and that you cannot conveniently use our oceans as a communal sewer. We knew this practice was causing serious long-term damage to the environment. So we passed the Ocean Dumping Act, which was our attempt to phase out the ocean dumping of sewage sludge in order to protect our coastal waters.

Today, we find that the ocean dumping has not stopped.

Following passage of the 1972 law, many cities stubbornly refused to voluntarily cease dumping. As a result, in 1977 we amended the Ocean Dumping Act and provided a statutory deadline to end all dumping as of December 31, 1981. This action caused most cities that had previously dumped sewage to switch to land disposal of sludge. However, a few cities and municipalities in

the New York City area continued to dump sludge into the ocean. Finally, in 1981, when EPA attempted to force New York City to stop dumping its sludge into the ocean, the city sued, arguing that its sludge did not "unreasonably" degrade the marine ecosystem and that ocean dumping was environmentally more sound than the land-based alternatives. A Federal district court then ruled in favor of the city and ordered EPA to revise its regulations to conform with the decision. As a result of the court's decision, New York City and eight other municipalities in that area continue to dump sewage into the ocean today.

Sixteen years ago, when Congress first got the ball rolling on its effort to stop ocean dumping, many of us evoked horrific images of fouled beaches, contaminated waters, and diminished wildlife if the dumping were allowed to continue. In recent months, our earlier prophecies regarding ocean dumping have come to a tragic and unfortunate fruition. And I fear that what we have seen in recent months—the closing of beaches on the east coast and the decline of fish and wildlife populations in our coastal areas—is only a small sampling of what is in store for us if ocean dumping continues.

The legislation which we are considering amends title I of the Marine Protection, Research, and Sanctuaries Act, which regulates the dumping of material into the ocean. It provides a framework for ending the dumping of sewage sludge and will require that by 1992 all dumping be stopped.

That is what our intention was in 1972, to stop all ocean dumping. And that is what we continue to favor. No more court challenges. No more injunctions. No more exceptions. Just stop the dumping, before the damage becomes irreversible.

Mr. President, I strongly support this legislation and urge its passage.

Mr. SARBANES. Mr. President, I rise in strong support and as a cosponsor of S. 2030, the Ocean Dumping Reform Act, which would terminate the dumping of all sewage sludge after 1991. This is an issue that is critical in general to our Nation's environment and in particular to my own State of Maryland with its many miles of coastline, beaches and waterways. The commercial and sports fishing industry and the recreational industry, major parts of our State's economy depend on the health of our oceans.

Through the years I have repeatedly and vigorously urged that all ocean dumping of sludge be stopped. Over 13 years ago the Maryland coastline was threatened when the Environmental Protection Agency decided to permit Camden, NJ, to dump 15 million gallons of sludge just 35 miles off the coast of Ocean City, MD. At that time I sharply attacked the decision and stated to the EPA Director that the cumulative effect of such a volume of disposed material posed a distinct threat to the fishery resources in the coastal waters which would decimate Maryland's important commercial and sports fishing industry and increase the possibility of the waste washing up on the Maryland shore with disastrous impact on Maryland's vitally important recreation industry.

In 1977, when Congress amended the Marine Protection, Research, and Sanctuaries Act to prohibit, after December 31, 1981, the ocean dumping of sewage sludge, it meant just that—to end the dumping. I strongly supported that amendment and worked for its passage into law. Unfortunately, the jurisdictions which were disposing of their sludge in this manner found a loophole in the law and New York City brought a successful lawsuit enjoining EPA from enforcing the 1981 prohibition. Since then, the volume of sewage sludge disposed in the ocean site has increased greatly, despite the fact that the number of municipalities involved in this practice has decreased. Today, nine jurisdictions, including New York City and some northern New Jersey communities continue the offshore disposal of their sludge at the so-called 106-mile site.

In testimony before an EPA hearing in May 1983, regarding the proposed designation of the 106-mile site, I stated that it was my strongly held belief that the designation should not be made and that the EPA should take the firm position that the New York and New Jersey communities should end, altogether, the dumping of sewage sludge in the Atlantic Ocean. Maryland and Ocean City citizens and officials fought long and hard to end the ocean dumping of sewage sludge by Camden and Philadelphia at the previous 12-mile coastal site, which is now closed. These two jurisdictions ceased dumping in the ocean and have established alternative disposal methods. Surely, it is not too much to demand the same of the New York and New Jersey jurisdictions. The bill before us today will move us toward that goal.

Mr. President, dumping of municipal sewage sludge in the Atlantic Ocean poses a continuing threat to the marine environment and the important commercial and recreation fisheries which are vital to the region's and Nation's economy. Additionally, the medical wastes which have washed up on and closed many of our beaches this summer, the closure of shellfish beds, and the incidents of diseases affecting the finfish populations, vividly underscore the adverse consequences of continuing to use our oceans as a dumping ground for all sorts of waste. This bill is an important step forward in restoring the health of this vital resource. I urge my colleagues to pass 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. 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.

If there is no further debate, the question is on the passage of S. 2030, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. SIMPSON. I announce that the Senator from Washington [Mr. KASTEN] and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

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

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

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

[Rollcall Vote No. 300 Leg.]

YEAS—97

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

NAYS—0

NOT VOTING—3

Biden	Kasten	Specter

So the bill (S. 2030), as amended, was passed as follows:

S. 2030

That this Act may be cited as the "Ocean Dumping Reform Act of 1988".

SEC. 2. FINDINGS.—The Congress finds that—

(A) ocean dumping of sewage sludge contributed to the severe environmental degradation in the New York Bight Apex;

(B) sewage sludge dumped at the 106 mile dumpsite contains pollutants similar to those which adversely affected the New York Bight Apex;

(C) ocean dumping of sewage sludge poses real but undetermined risks to the marine environment;

(D) the 106 mile dump site is the only area in the United States where ocean dumping of sewage sludge occurs;

(E) over 100 municipalities which had ocean dumped their sewage sludge have developed and implemented alternatives to ocean dumping of sewage sludge; and

(F) practical alternatives exist to ocean dumping of sewage sludge.

SEC. 3. POLICY.—It is the policy of the United States to end the ocean dumping of sewage sludge as soon as possible but not later than December 31, 1991.

SEC. 4. (a) DEFINITIONS.—Section 3 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402) is amended by inserting at the end the following:

"(m) 'Sewage sludge' means any solid, semisolid, or liquid waste generated by a wastewater treatment plant.

"(n) 'Interim dump site' means the site known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 18005)."

(b) Paragraph (1) of section 4(d) of Public Law 95-153 (33 U.S.C. 1412a(d)) is amended to read as follows:

"(1) the term 'sewage sludge' means any solid, semisolid, or liquid waste generated by a wastewater treatment plant; and".

SEC. 5. PROHIBITION ON OCEAN DUMPING OF SEWAGE SLUDGE.—The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended by inserting after section 104A the following:

"§ 104B. Prohibition on ocean dumping of sewage sludge and medical waste

"(a) PROHIBITION ON NEW ENTRANTS.—The Administrator may not issue any permit under this subchapter which authorizes any person other than an eligible authority as defined in section 104A of this Act (hereinafter referred to as eligible authority), to dump, or to transport for the purposes of dumping, sewage sludge into ocean waters.

"(b) PROHIBITION.—Except as provided in subsection (c), the dumping, or the transportation for the purpose of dumping, into ocean waters of sewage sludge is prohibited six months after the date of the enactment of this Act.

"(c) COMPLIANCE AGREEMENT.—The Administrator may issue permits which authorize eligible authorities to dump, or to transport for the purposes of dumping, sewage sludge at the interim site, provided that the eligible authority has entered into a compliance agreement with the Administrator and the State in which the eligible authority is located within six months of the enactment of this Act that includes the following:

"(1) A plan that the Administrator finds, if adhered to by the eligible authority in good faith, will result in the cessation of the ocean dumping of sewage sludge by such eligible authority, through the design, construction, and placing into full operation of a system (hereinafter in this section referred to as the 'alternative system') for the management of sewage sludge of the eligible authority other than by dumping into ocean waters. The plan shall provide for the phasing out of ocean dumping if the Administrator determines such phasing out is feasible, and may include adoption of an interim system for the management of sewage sludge other than by dumping into ocean waters until an alternative system is placed into full operation. Nothing in this paragraph shall affect the prohibition contained in subsection (e)(1).

"(2) A schedule that contains reasonable dates, as determined by the Administrator, by which the eligible authority shall complete the various activities that are necessary for the timely implementation of the alternative system under the plan. Such plan shall include, in addition to such other activities that the Administrator considers necessary or appropriate—

"(A) the determination of the kind of alternative system that will be implemented;

"(B) the preparation of engineering designs and related specifications;

"(C) compliance with appropriate Federal, State, and local regulatory requirements;

"(D) site and equipment acquisitions;

"(E) construction and testing; and

"(F) complete operation of the alternative system;

"(d) SCHEDULE IMPLEMENTATION EVALUATION.—(1) The Administrator and the Governor of the State in which the eligible authority is located shall have a continuing responsibility to evaluate the compliance of the eligible authorities with the schedule included in the compliance agreement under subsection (c).

"(2) Each eligible authority shall have a continuing responsibility to advise the Administrator and the Governor of the State in which the eligible authority is located of any problems the eligible authority has with achieving the schedule included in the compliance agreement under subsection (c).

"(e) PROHIBITION ON OCEAN DUMPING OF SEWAGE SLUDGE.—(1) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, sewage sludge from the United States into ocean waters after December 31, 1991.

"(2) It shall be unlawful for any eligible authority to dump, or to transport for the purposes of dumping, sewage sludge at the interim site if the Administrator determines that the eligible authority is not fully in compliance with the schedule included in the compliance agreement under subsection (c).

"(f) STATE REPORTS.—(1) The Governor of each State in which an eligible authority is located shall submit to the Administrator on June 30, 1989, and every year thereafter until the cessation of all ocean dumping of sewage sludge a report which describes—

"(A) the efforts of the eligible authority to comply with the schedule included under the compliance agreement under subsection (c), and

"(B) the State's activity regarding any permit for the construction and operation of the eligible authority's alternative system.

"(2) In the event that any State required to submit a report under this section fails to submit a report which the Administrator determines to be consistent with the requirements of this section, the Administrator shall withhold funds reserved for such State under section 205(g) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1285(g)). Funds withheld pursuant to this section may, at the discretion of the Administrator, be restored to a State upon compliance with this section.

"(g) REPORTS TO CONGRESS.—The Administrator shall, within three months of receipt of the reports submitted pursuant to subsection (f), submit to the Congress a report reviewing progress made toward implementing alternatives to dumping of sewage sludge, and potential obstacles to meeting the deadline established in this section.

"(h) TECHNICAL ASSISTANCE.—Not later than three months after the date of the enactment of this Act, the Administrator shall advise the eligible authorities on available alternative sludge management technologies to the ocean dumping of sewage sludge.

"(i) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, medical waste from the United States into ocean waters.

"(j) CIVIL PENALTIES.—

"(1) In lieu of the maximum $50,000 civil penalty provided for under section 105(a), any person who dumps sewage sludge, or transports sewage sludge for the purpose of dumping, in violation of this section (including the schedule in the compliance agreement as required by subsection (c)) shall be liable for a civil penalty, to be assessed by the Administrator in accordance with section 105, of not less than $20, and not more than $40, for each wet ton of sewage sludge that is dumped, or transported for purposes of being dumped, into ocean waters.

"(2) The Administrator may treat the substantial compliance of an eligible authority with the requirements of this section (including the schedule in the compliance agreement as required by subsection (c)) as full compliance, if the eligible authority can show that circumstances beyond its control resulted in it achieving less than full compliance, and the eligible authority acted in good faith. This paragraph shall not apply to violations of subsection (e)(1).

"(k) PERMIT FEES.—

"(1) The Administrator shall prescribe by regulation and collect a fee for ocean dumping of sewage sludge authorized under this section to recover—

"(A) the costs incurred or expected to be incurred in the undertaking of measures by Federal agencies to determine compliance with the agreement entered into pursuant to subsection (c) and any other terms under which the dumping is authorized; and

"(B) the undertaking of monitoring and any associated research necessary to make a reasonable assessment of the effects on the marine environment caused by ocean dumping of sewage sludge.

"(2) Fees recovered under this subsection shall be deposited in the Clean Oceans Fund established pursuant to subsection (k).

"(l) CLEAN OCEANS FUND.—

"(1) There is established in the Treasury of the United States the Clean Oceans Fund.

"(2) The civil penalties collected by the Administrator for violations of this section and permit fees shall be deposited in the Clean Oceans Fund.

"(3) The moneys in the Fund shall be available, to the extent provided for in advance in appropriation Acts, for expenditure by—

"(A) the Administrator for carrying out monitoring and enforcement functions under this title;

"(B) the Secretary of the Department in which the Coast Guard is operating for carrying out surveillance and enforcement activities using state-of-the-art technology under this title; and

(c) the Administrator to issue grants to implement technologies and management practices necessary for controlling pollutant

inputs adversely affecting the New York Bight as identified in the New York Bight Restoration plan required to be prepared pursuant to Public Law 100-220.

The moneys received under this subsection shall be treated as being supplemental to, and not in lieu of, any other funding that is authorized or appropriated for the purposes referred to in subparagraphs (A), (B) and (C).

"(m) ENVIRONMENTAL MONITORING.—(1) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall design and conduct a program of monitoring environmental conditions at the Apex site, as defined in section 104(a) of this Act, and the interim site and within the potential area of influence of the sewage sludge dumped at these sites. This program shall include sampling of an appropriate number of fish and shellfish species and other benthic organisms to assess the effects of environmental conditions on living marine organisms in these areas. The Administrator shall make use of the satellite and other advanced technologies in conducting this program.

"(2) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress within one year of the enactment of this Act a report describing its plan for conducting the monitoring program and the results of the program.

"(n) ENFORCEMENT MONITORING.—The Administrator, in consultation with the Secretary of Transportation, shall submit a report to Congress within six months after the date of enactment of this Act, outlining progress in using electronic monitoring equipment, and/or other means, to monitor and prevent the dumping of sewage sludge by vessels in transit to the interim site in areas outside the interim site.

"(o) PUBLIC PARTICIPATION.—The Administrator shall provide reasonable opportunity for public participation in the review of the establishment and implementation of compliance agreements established under this section.".

SEC. 6. CONFORMING AMENDMENTS.—(a) ISSUANCE OF PERMITS FOR OCEAN DUMPING OF SEWAGE SLUDGE.—Subsection (a) of section 4 of Public Law 95-153 (33 U.S.C. 1412a) is amended by inserting "dumping of sewage sludge after December 31, 1991 or other" after the words "authorizes any".

(b) ALTERNATIVES ASSESSMENT.—Section 2303 of Public Law 100-220 is amended by striking in paragraph (b)(8) the words "dumping of municipal sludge and".

(c) PRELIMINARY REPORT ON ALTERNATIVES.—Section 2303 of Public Law 100-220 is amended by—

(1) striking subsection (b), and

(2) relettering subsections (c), (d), and (e) as (b), (c), and (d), respectively.

SEC. 7. Section 320(a)(2)(B) of the Water Quality Act of 1987 (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Barataria-Terrebonne Bay estuary complex, Louisiana;" after "Albemarle Sound, North Carolina;".

SEC. 8. Section 3 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1402) is amended by adding at the end thereof the following:

"(m) The term 'medical waste' shall include syringes, hypodermic needles, vials or bags containing blood specimens, surgical gloves, and such additional items as the Administrator shall prescribe by regulation.".

SEC. 9. Section 301(f) of the Federal Water Pollution Control Act (33 U.S.C. 1311(f)) is amended by inserting "or medical waste" immediately after "radioactive waste".

SEC. 10. Section 502 of the Federal Water Pollution Control Act is amended by inserting the following at the end thereof:

"(20) The term 'medical waste' shall include syringes, hypodermic needles, vials or bags containing blood specimens, surgical gloves and such additional items as the Administrator shall prescribe by regulation.".

SEC. 11. Section 105(b) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1415(b)) is amended by inserting "(1)" immediately before "In addition" and, at the end thereof, adding the following new paragraph:

"(2) Any person who knowingly violates section 104(B)(i) of this Act shall upon conviction be fined not more than $250,000, or imprisoned for not more than five years, or both.".

SEC. 12. Section 188 of the Federal Water Pollution Control Act is amended by adding "as amended in 1987" after "the Great Lakes Water Quality Agreement of 1978" wherever it occurs.

At the end of the bill, add the following:

TITLE I—SHORE PROTECTION ACT OF 1988

SHORT TITLE

SEC. 101. This title may be cited as the "Shore Protection Act of 1988".

DEFINITIONS

SEC. 102. As used in this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "municipal or commercial waste" includes all solid waste, as defined in section 1004(27) of the Solid Waste Disposal Act, subject to the requirements of section 4003(a)(2) and other provisions of subtitle D of such Act. Such term shall include municipal garbage and refuse, commercial refuse, medical wastes, wood debris, and other solid waste. Such term shall exclude debris solely from construction activities, sewage sludge as regulated under the Ocean Dumping Act, and dredged or fill material as regulated under the Ocean Dumping Act, the Clean Water Act, and the Rivers and Harbors Act of 1899;

(3) "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

(4) "receiving facility" means the facility or operation where the waste material is unloaded from a vessel;

(5) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(6) "type of waste" means a characterization of the waste as municipal waste, commercial waste, medical waste, or waste of another character;

(7) "United States" includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands;

(8) "vessel" means any watercraft (other than a federally owned or private recreational watercraft) used for the purpose of transporting municipal or commercial waste;

(9) "vessel operator" means the person primarily responsible for the operation of the vessel;

(10) "vessel owner" means any person owning such vessel;

(11) "waste source" means the facility or vessel from which the municipal or commercial waste is loaded onto a vessel, including any rolling stock or motor vehicles from which such waste material is directly loaded; and

(12) "coastal waters under the jurisdiction of the United States" means—

(A) the territorial sea, and the marine and estuarine waters of the United States up to the head of tidal influence, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of the territorial sea, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured.

VESSEL IDENTIFICATION NUMBERS

SEC. 103. (a) No vessel may be used by any person to carry any municipal or commercial waste for any purpose within the coastal waters under the jurisdiction of the United States without first obtaining a vessel identification number for that vessel from the Secretary and displaying such number on the vessel in a clearly visible manner and location.

(b) Application for the vessel identification number required by subsection (a) shall be made by the vessel owner and shall contain the following information—

(1) the name, address, and phone number of the vessel owner or owners;

(2) the vessel's name and registration number;

(3) the vessel's home port;

(4) the vessel's transport capacity;

(5) a history of the types of cargo carried by that vessel during the previous year, including the type of waste carried; and

(6) signed certification by the vessel owner that all of the provided information is accurate.

(c) The Secretary shall make the vessel number application forms publicly available within 60 days after enactment of this Act.

(d) The vessel identification number must be renewed at least every 5 years and at any time that the vessel changes ownership. No new owner may operate the vessel or may allow the vessel to be operated using the vessel identification number obtained by the previous owner.

(e) The Secretary is authorized to collect up to $1,000 from the vessel owner to compensate for the cost of the issuance and maintenance of vessel identification numbers and maintaining records.

(f) Beginning 240 days after enactment of this Act, no vessel may carry municipal or commercial wastes unless a vessel identification number has been obtained for that vessel at least 30 days before the transport of such wastes takes place.

(g) The Secretary is authorized to, or at the request of the Administrator, shall deny a vessel identification number to any vessel for which the owner or operator has a record of a pattern of serious violations of this title, the Solid Waste Disposal Act, the Marine Protection, Research, and Sanctuaries Act, the Rivers and Harbors Act of 1899, or the Clean Water Act.

(h) The Secretary, after consultation with the Administrator shall issue or deny a vessel identification number in accordance with this section within 30 days after receiving a complete application.

(i) If the Secretary, after consultation with the Administrator, proposes to revoke or deny the vessel identification number, there shall be a public hearing on such pro-

posed revocation or denial if the vessel owner requests such a hearing.

(j) The Secretary is authorized to combine applications for vessel identification numbers required under this title with applications for any other required registration number provided—

(1) the Coast Guard maintains a separate list of vessels subject to the requirements of this title; and

(2) the information requirements are consistent with those required under this title.

WASTE HANDLING PRACTICES

SEC. 104. (a) Beginning 60 days after the enactment of this Act—

(1) The owner or operator of the waste source shall take all reasonable precautions to assure that all municipal and commercial waste is loaded onto the vessel and that such waste deposited in the water is minimized.

(2) The vessel owner or operator shall assure that all municipal and commercial waste loaded onto the vessel is properly secured by netting or other means which will assure that the waste will not be deposited into the water during transport.

(3) The disposal facility owner or operator shall assure that all municipal and commercial waste is offloaded in a manner which assures that such waste deposited into the water is minimized during the unloading operations or during interment into the landfill.

(4) The owner or operator of any waste source or receiving facilities shall provide adequate control measures to collect any municipal or commercial waste that is accidentally deposited into the water.

(b) The Administrator shall promulgate regulations further defining and implementing the requirements of subsection (a). Such regulation shall require that waste sources and receiving facilities provide the means and facilities to assure that the waste will not be deposited into the water. Such regulations may require the submission and adoption by each affected party of an Operation and Maintenance Manual identifying procedures to be used to prevent, report, contain, and clean up any spill of municipal or commercial waste including recordkeeping and reporting requirements. Nothing in this section shall be construed to affect or supersede the Marine Protection Research, and Sanctuaries Act or the Solid Waste Disposal Act.

ENFORCEMENT

SEC. 105. (a)(1) Whenever on the basis of any information the Secretary (in the case of a violation under section 103) or the Administrator determines that any person has violated or is in violation of any requirement of this title the Secretary or the Administrator, as the case may be, 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 Secretary or the Administrator, as the case may be, 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) The Secretary may, and at the request of the Administrator, shall include a suspension or revocation of any vessel identification number issued by the Secretary under this title in any order issued pursuant to this section. Any order issued pursuant to this section shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of section 103 or $25,000 per day of noncompliance for each violation of section 104. In assessing such a penalty, the Secretary or the Administrator, as the case may be shall take into account the seriousness of the violation, past violations, and any good faith efforts to comply with applicable requirements.

(3) Any order issued under this subsection shall become final unless, no later than 30 days after the order the person or persons named therein request a public hearing. Upon such request the Secretary or the Administrator, as the case may be, shall promptly conduct a public hearing. In connection with any proceeding under this section the Secretary or the Administrator, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(4) If a violator fails to take corrective action within the time specified in a compliance order, the Secretary or the Administrator, as the case may be, may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Secretary may, or at the request of the Administrator shall, suspend or revoke any vessel identification number issued to the violator.

(5) In the discretion of the Secretary or the Administrator, as the case may be, up to one-half of such penalties may be paid to the person or persons giving information leading to the assessment of the penalty.

(b) 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. Each day of such violation shall, for the purposes of this subsection, constitute a separate violation.

(c) Any person who shall knowingly violate, or that shall knowingly aid, abet, authorize, or instigate a violation of this Act, shall be fined not more than $50,000 or imprisoned for not more than 3 years, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment. In the discretion of the court, up to one-half of such fine may be paid to the person or persons giving information leading to conviction.

(d)(1) Anyone authorized by the Secretary to enforce the provisions of this title may, (A) board and inspect any vessel on the coastal waters under the jurisdiction of the United States, (B) with or without a warrant arrest any person who violates the provisions of this title or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(2) The Secretary of the Treasury may refuse the clearance required by section 4197 of the revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this title which does not have a vessel identification number in compliance with section 103.

(3) The Secretary may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this title which upon request, does not produce evidence that the provisions of this title have been complied with.

(e) The Secretary may, or at the request of the Administrator shall revoke the vessel identification number in any instance where egregious or multiple violations have taken place. Before such action becomes final, the vessel owner must be given 30 days notice and opportunity for a hearing in accordance with subsection (a)(3). In the case of persistent violators with five or more separate violations within a 6-month period, the Administrator is directed to conduct an investigation of the vessels facility or operator. This shall not be construed to limit the Administrator's authority to investigate or the Secretary's authority to revoke vessel identification numbers in instances where egregious violations have taken place.

(f) This section shall be carried out with respect to foreign vessels consistent with the obligations of the United States under international law.

TRACKING STUDY

SEC. 106. (a) The Administrator, in consultation with the Secretary, shall undertake a study to determine the need for, and effectiveness of additional tracking systems for vessels to assure that municipal and commercial waste is not disposed in coastal waters under the jurisdiction of the United States. In conducting this study, the Administrator shall use the data collected from its permitting and enforcement activities and from the data compiled under section 103. In determining the effectiveness of tracking systems, the Administrator shall rely on the information provided by the Secretary under subsection (b). The report shall include a recommendation on whether additional tracking mechanisms are needed. This study shall be submitted to the Congress within 24 months after enactment.

(b) The Secretary shall provide recommendations to the Administrator concerning the various tracking systems that might be applicable to vessels carrying municipal or commercial waste which he currently is studying. The Secretary shall consider the relative effectiveness of various systems and the relative costs of the systems both to the Federal Government and to the vessel owner.

COAST GUARD RESPONSIBILITIES

SEC. 107. (a) The Secretary shall assure that periodic checks are made of vessels operating under this title transporting municipal or commercial waste to determine that each of these vessels carries the appropriate vessel identification number required by section 103.

(b) If the Administrator determines under section 7(a) that tracking devices are required to assure adequate enforcement of laws preventing coastal or ocean dumping, the Secretary shall issue regulations to require installation of the appropriate devices within 18 months after the Administrator completes the report the Administrator required under section 7.

RELATION TO OTHER LAWS

SEC. 108. (a) Nothing contained in this Act shall be construed, interpreted or applied to diminish obligations under any other Federal or State law, whether statutory or common.

AUTHORIZATION

SEC. 109. There are authorized to be appropriated $1,500,000 for each of the fiscal years 1989 and 1990, to support the provisions of this title.

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

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

The motion to lay on the table was agreed to.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of S. 2030, the Ocean Dumping Reform Act of 1988. I desire the RECORD to show that, were I present, I would vote "aye" on final passage of S. 2030.●

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The clerk will report the unfinished business of the Senate.

The bill clerk read as follows:

A bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd Amendment No. 2813, to extend humanitarian assistance for the Nicaraguan Resistance, to require a report on diplomatic efforts to resolve the Central American armed conflict, and to provide procedures for Congress to consider legislation made necessary by an emergency in Nicaragua occurring before the adjournment of Congress.

Mr. BYRD. Mr. President, will the Chair indulge me for a moment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. 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. SYMMS. Mr. President, I ask unanimous consent that I might proceed as if in morning business for 3 minutes.

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

PLEBISCITE IN CHILE

Mr. SYMMS. Mr. President, I rise today to commend the Government of Chile for continuing to meet the requirements set in their constitution. The plebiscite will probably take place sometime in October.

Due to the high number of registered voters, now 6.4 million, 80 percent of the qualified voters, fear of an electoral fraud has disappeared in Chile. This is the number required, according to the opponents of the plebiscite, for it to be legitimate, as far as the number of voters are concerned. In addition, the legal recognition of political parties by the Government, and their wide participation will help to ensure a credible election and legitimate outcome.

The Chilean economy is an outstanding case of development. The recent boom has also affected the middle class, not just the rich. There can be no doubt that a political transition and the strengthening of the democratic government that follows are made easier by faster economic development. This has been a positive factor for Chile, as compared to their Latin American neighbors. A substantial change has taken place in the economic and social environment.

Many Chileans view this plebiscite as a major first step in restoring democracy to their country. To vote yes or no may well become a choice that a Chilean will make by determining what is the best path between economic development and democracy.

I ask unanimous consent that two articles by Mr. Ralph Luders, who is Chile's finance minister, and who was the minister of economics from 1982 to 1983, and Steve Hanke, professor of applied economics at Johns Hopkins University, be printed in the RECORD at this point.

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

[From the New York Times, July 15, 1988]

HOW THE MEDIA SLIGHT PINOCHET

(By Rolf J. Luders and Steve H. Hanke)

BALTIMORE.—The journalistic drumbeat from Chile has, for some time, signaled that freedom and democracy are on the rocks and that prospects for change are slim. It is alleged that the responsibility for this sad state of affairs lies with that country's ever-present pariah, Gen. Augusto Pinochet.

In fact—hard though this may be for liberal critics to accept—General Pinochet and the military regime have moved dramatically to expand economic liberty and are moving Chile on schedule, under the Constitution, toward a full democracy.

The Chilean Constitution requires that a plebiscite be called before Jan. 11, 1989. Voters will be called upon to ratify or reject a candidate nominated by the commanders in chief of the armed forces and the police: the junta. The candidate, if ratified, will become President and serve from March 1990 until 1997. If the candidate is rejected, General Pinochet will continue as President until March 1990. At that time, a new president, chosen in a general election, will assume the reins.

The important points are: first, the Chilean military regime is constitutionally required to end, at the latest, in March 1990; second, a Congress with two chambers will be elected; third, all individual rights and guarantees, currently restricted, will become fully applicable.

The constitutional process is designed to guarantee an orderly transition to democracy. But this is lost on most liberal commentators. Rather, they hammer away on two themes: that the rules of the game are rigged to favor the present Government and that the process will be accompanied by widespread electoral fraud.

For example, many analysts assert that the military regime—in an attempt to hold down voter registration and restrict it mostly to those who favor its candidate—has limited the number of registration offices and the hours they are open and harassed potential registrants. These assertions are baseless.

Of Chile's approximately eight million potential voters, six million have already registered. If the current registration rates of about 500,000 a month continues for only one more month, the percentage of potential voters who have registered will exceed that of the 1973 election. Even Chilean opponents of the plebiscite admit that, based on the registration criterion, legitimate elections can be held.

Nevertheless, the claim is still heard that the system is rigged because of provisions in the Political Parties Act that make it extremely difficult to organize political parties. This claim has also proved to be unfounded. To date, eight parties have been legally recognized. Four of them are openly in the opposition. The other four are either independent or support the Government. In addition, four more opposition parties are currently registering members in anticipation of official recognition.

Moreover, a new voting procedures law was enacted recently. It has not been contested by the opposition. On the contrary, important opposition leaders—such as the President of the Committee for Free Elections—confirm that the "legislation provides guarantees for a secret vote and protects individuals against pressures."

Some analysts further argue that the junta's control of the media makes a legitimate election impossible. This argument is highly questionable. For example, newspapers and magazines cover the full range of political views. There is also a wide range of radio programming, with the opposition represented by some of the country's most important radio stations. Even though all television channels are probably sympathetic to the Government, they are open to opposition leaders, who appear regularly.

If all this weren't enough, liberal pundits slant opinion poll data to give the impression that General Pinochet is highly unpopular. For example, they continue to report that only about 20 percent of the voters favor the General, implying that 80 percent oppose him. These numbers merit two comments.

First, the data are outdated. All recent polls show that more than 20 percent favor General Pinochet. For example, a recent poll by the Chilean State University found that almost 38 percent of the voters would favor any candidate presented by the junta. The poll also found that 29 percent would vote against the junta's candidate and that 27 percent are undecided.

This brings us to our second comment: Most informed observers believe that General Pinochet, if he were the candidate, would probably pick up something in excess of one-half of the undecided votes. If this occurs, and if General Pinochet is the candi-

date, he would legitimately win the plebiscite.

But why the insistence on presenting polling data in a biased manner? Because it will allow the press to validate its allegations. If President Pinochet is the junta's candidate, and he wins the plebiscite, then the press can claim that there was vote fraud, confirming its previous assertions.

The evidence clearly demonstrated that the junta has followed the 1980 Constitution, that it intends to continue to do so and that it will relinquish power. This shouldn't be too surprising. After all, the military regime has, with its radical free-market reforms, dramatically reduced the scope and power of the state—hence, its own power—and increased individual freedom in the economic sphere.

For example, it has privatized state-owned enterprises and social security, deregulated financial markets, instituted laws that protect the rights of foreign investors, reduced tariffs, abolished most business regulations, cut Government spending and taxes and reformed labor laws so that the government cannot intervene in collective bargaining.

In consequence, Chile has the freest economy in Latin America. By March 1990, it will also have a duly elected civilian government.

BRINGING CHILE'S ECONOMY BACK

(By Rolf Luders and Steve Hanke)

In the 1970s, President Augusto Pinochet became intrigued with the counsel received from his University of Chicago-trained economists. As a result, Chile began an experiment with free-market economics. Although related to 19th century, laissez-faire capitalism, the Chilean experiment was more akin to West Germany's postwar, social market economy.

All seemed to be going well for the Chicago Boys until 1982-1983, when Chile plunged into a deep recession. During the crisis, which began when the flow of petrodollars that had flooded Latin America came to an abrupt halt and Chile's terms of trade took a sharp turn for the worse, Chile's GNP fell 15 percent and unemployment soared to more than 20 percent. Many laid the blame for the severity of Chile's economic problems at the feet of the Chicago Boys. Consequently, most pundits thought that the crisis would deliver a death blow to Chile's social market economy.

In addition to the predictable drumbeat of criticism from the left, the Chicago Boys have received a good bit of flak from conservatives, particularly those in the United States. Specifically, the conservatives point to the fact that Chile was unable to adjust to the shocks that hit its economy because, during 1978-1982, that country fixed its exchange rate to the U.S. dollar and indexed its wages to the consumer price index. The conservative critique correctly notes that such an arrangement is inconsistent with free-market principles, and that it made the necessary wage-price adjustments almost impossible, thus aggravating the crisis.

However, in pointing their fingers at the Chicago Boys, outside observers fail to realize that the policy of simultaneously fixing the exchange rate and indexing wages was the product of a pragmatic compromise, which was made by non-economists at the highest levels of government. Since confusion about this matter still reigns, the topic merits further comment.

There are alternative policies that would have allowed for a smoother economic adjustment to the lower income levels and the reduced availability of foreign exchange that accompanied the crisis. The key to understanding the logic of each policy alternative is relative prices. After all, it is changes in relative prices that allow for economic adjustments.

To promote "adjustment" in a "stable" economic environment, it is usually advisable to fix one price in absolute terms, and to allow all other prices to move freely in relation to it. One such policy calls for the "price of money to be fixed, and for all other prices (the exchange rate, wages, etc.) to be allowed to fluctuate freely in relation to it. Since the price of money is nothing more than the purchasing power of money in terms of all goods and services, those who advocate this alternative favor a stable price level, and argue that this can best be approached through the application of an appropriate monetary policy. An example of such a policy is a "quantity rule" that requires the monetary authorities to increase the supply of money at a low, fixed rate, independent of the state of the economy.

Others question the willingness and/or ability of the monetary authorities to control appropriately the supply of money. Consequently, they prefer to have the exchange rate fixed in relation to a relatively stable foreign currency (or commodity), and to allow all other prices to fluctuate freely in relation to it. Currency boards which were created by the British in most of their colonies, and the Gold Standard are representative of this fixed exchange-rate alternative.

Historical evidence shows that the application of either of these alternatives has proven to be quite successful. However, each can, of course, result in lower real wages. Since even the expectation of this eventuality can pose serious political problems, some Chilean economists recommended that wages be indexed on a semi-annual or yearly basis, and that all other prices be allowed to fluctuate freely. Although this policy alternative allows for adjustment, it does have important drawback: significant currency devaluations and very high inflation rates can accompany it.

In setting a pre-crisis course for economic policy, two groups of technocrats presented the Chilean authorities with the following, mutually exclusive alternative: (1) a fixed exchange rate with all other prices flexible and (2) indexed wages, with all other prices flexible. The military regime was attracted to the first because it promised a mechanism to control inflation, and to the second because it promised to lock in real wages and appease labor. Instead of choosing one of these alternative, the military authorities adopted elements from each. By simultaneously fixing two important prices, rather than only one, adjustment to economic change was bound to be impeded, as it was during the crisis.

Not even the crisis moved, the Pinochet regime to reject the basic principles of Chile's social market economy, however. Even though several tactical concessions were made to those who preferred a more protectionist and interventionist economy, the thrust of most reforms were corrective and designed to reinforce the social market economy. One of the most important changes was the adoption of a set of macroeconomic policies that is internally consistent: the supply of money was controlled and all other prices (wages, the exchange rate, etc.) were allowed to fluctuate in relation to it.

The results have been impressive. Chile has recovered from the crisis faster, and on a sounder basis, than other Latin American countries. Since 1983, Chile's gross domestic product has grown at a 5 percent annual real rate. This year's rate of growth will be of the same order of magnitude or higher, barring any unexpected external shock. It appears this solid growth can be sustained because, among other reasons, the real investment rate has been growing at a 15 percent annual rate since 1985 and gross savings levels have increased dramatically, with the gross savings to GDP ratio reaching an all-time high of 24 percent in 1987.

The recovery has been export-led. Exports, supported by a gradual improvement in the real exchange rate, grew from $3.7 billion in 1982 to an estimated $6.2 billion this year (or significantly more, if present copper prices persist). As a result, the trade balance reversed: It swung from a negative balance of $2.6 billion in 1981 to an estimated positive balance of well over $1.6 billion this year.

Another facet of the external sector that merits attention is the external debt. In additon to paying interest, Chile is the only Latin American country that has reduced the nominal value of its eternal debt and reversed capital flight. These accomplishments have been realized, in part, through Chile's market-based debt conversion mechanism.

Excellent results on the external front have been, in large part, made possible because of the unusual fiscal discipline imposed by the Pinochet regime. Central government expenditures, as percentage of GDP, only increased by 1.5 percent during the recession, to about 32 percent of GDP. Even during the crisis, the fiscal deficit never exceeded 3 percent of GDP. In 1987, it was less than 1 percent of GDP, and this year the public sector accounts are likely to show a surplus, in spite of a recently announced 20 percent reduction in the valued tax (VAT) rate. For those who have doubts about the military authorities' commitment to control public sector largess, the most recent tax cut merits special attention. When it became clear that the government accounts would generate a significant surplus, the Pinochet regime chose to cut the tax rate for Chile's most important source of public revenue (the VAT), rather than spend the projected surplus. This is unprecedented in the Latin American experience.

Fiscal discipline has also assisted in controlling inflation. The rate of inflation, as measured by the consumer price index, has been fluctuating around 20 percent per year. In other Latin American countries, like Argentina and Brazil, 20 percent represents a monthly inflation rate! This year Chile's inflation rate should be about 10 percent.

The new flexible wage policy has allowed for economic adjustment: Although real wages have fallen, 1 million new jobs have been created since 1982. This increment amounts to about 20 percent of the total labor force. With increasing employment, unemployment, which reached well over 20 percent during the crisis, is estimated to fall below 8 percent this year.

Chile, unlike other Latin American nations, has made an extraordinary recovery from the crisis. Contrary to popular opinion, the recovery was the result of Gen. Pinochet's reaffirmation of his commitment to the social market economy and his adoption of a new, internally consistent set of macroeconomic policies, which was advocated by

the Chicago Boys. Far from being dead, the social market economy and the Chicago Boys are alive and well.

COLOMBIA'S EXPROPRIATION OF THE "CAPITANA SAN JOSE"

Mr. SYMMS. Mr. President, on a matter that is something that should be of great interest to all Senators is the question of the Sea-Search Armada Co., which is based in Sun Valley, ID, and is engaged in seeking the treasure from the San Jose, which was one of the largest and richest treasure-bearing ships ever to sail for Spain from the Americas during the Spanish colonial era.

Between the early 1500's and the early 1800's, a continuous harvest of precious metals, jewels, and trade goods flowed to Spain from colonies that Spain established in Central and South America and throughout the Caribbean. The Spanish fleet consisting of two armadas, often returned to Spain carrying registered cargoes with values up to 35 million pesos. During the 300-year Spanish Colonial Era, it is estimated Spain collected in excess of 5 billion pesos in jewels, metals, and trade goods from the Americas.

Among the ships in the two treasure armadas was the *Capitana San Jose.* The *San Jose* was one of the largest and richest treasure-bearing ships ever to sail for Spain from the Americas during the Spanish Colonial Era. However, its enormous treasure never reached Spain.

The *San Jose* was the *Royal Capitana,* the commanding ship of a guard fleet which, in 1708, escorted 17 merchant ships bearing the riches of the Viceroyalty of Peru. After leaving Portobello, Panama, the fleet of 17 ships had almost reached the safety of the ports of Cartagena, Colombia, when it was intercepted by an English squadron. The two fleets sighted each other on the morning of June 8, 1708, but due to light winds and currents prolonging the closure of the fleets, the actual battle did not begin until 5 p.m. About 2 hours after the beginning of the engagement, the *San Jose* was seen to explode and disappear.

The sinking of the *San Jose* represented a crisis for Spain in the War of Spanish Succession. It not only disrupted Spanish Crown finances at that vital time, but also wrought great damage to the merchants of Peru and Seville. Moreover, with the sinking of the *San Jose,* both England, which desperately needed to capture the valuables aboard, and Spain were denied their primary objectives. The gold of the *San Jose* went not to their treasuries, but to the bottom of the Caribbean Sea, together with 600 passengers and crew. The ship was estimated to have carried 7 million pesos in gold or much more.

Two hundred eighty years later, the *San Jose* is thought to be in one piece, with its treasure intact, resting about 12 miles off the Colombian coast in water 750 feet deep. The *San Jose* is regarded as the No. 1 sunken treasure in the world valued at between $2 billion and $9 billion.

Though no one was quite sure where the *San Jose* went down, several U.S. investors began studying the original battle in an effort to locate the galleon. The partnership, known as Sea-Search Armada, has expended about $10 million researching, exploring for and discovering sunken ships off the coast of Colombia. All their activities have been duly licensed and supervised by the Government of Colombia.

In 1981, Sea-Search Armada, after spending a considerable amount of time and money, reported to the Government of Colombia that they believed they found the *San Jose.* However, since making the official report, the U.S. investors have been systematically excluded from exercising their rights to their find.

Mr. President, the Civil Code of Colombia vests 50 percent ownership in a finder of such property. Colombia issued a certificate naming Sea-Search Armada the finder. And, legal experts affirm that such a finder owns 50 percent. In fact, two of the experts were lawyers of the Colombia Government and all experts agreed that a finder has a prior right of salvage.

However, now the Government of Colombia "decrees" that the U.S. investors get only a 5 percent finders fee and no ownership. Quoting one Colombian official, the reason for the new decree is "because 5 percent is enough for Americans."

Mr. President, it seems the Colombian Government is dealing with this very valuable wreck as if it owns 100 percent. In fact, the Colombian's propose to award the salvage contract to a Swedish bank for a fee of about 24 percent less the 5 percent finder fee to to Sea-Search Armada.

This expropriation of Americans' property is simply an outrage. And, the next time Colombia proposes that the United States grant it economic development funds, foreign aid, military assistance or other subsidies, I certainly intend to remind my colleagues of Colombia's treatment of the U.S. investors of Sea-Search Armada, who rightfully own one-half of the *San Jose.*

Mr. President, with regard to this matter, I ask unanimous consent that an article from the Huntsville Times and a recent letter from Jack Harbeston, the managing director of Sea-Search Armada be printed in the RECORD.

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

SEA SEARCH-ARMADA, SUN VALLEY, ID,
AUGUST 4, 1988.

Hon. STEVEN D. SYMMS,
505 Hart Senate Office Building, Washington, DC.
Attention: Andrew Jazwick.
Re: Sea Search Armada and Colombia.

DEAR SENATOR SYMMS: History: Spaniards collected gold, emeralds, church artifacts, etc. from all over the South/Central American region, and loaded the treasure aboard the galleon *San Jose.* (The archive at Sevelle contains a partial manifest.) U.S. experts say the cargo's value will be $1 billion to $10 billion, depending on what contraband is aboard and how and where it is marketed. It sank during a battle in 1708 near Colombia.

In 1981, over 100 Americans formed a company to locate and recover the San Jose. Historians were sent to Spain and England to search the archives. They reconstructed the San Jose's last voyage and probable resting place.

Because the target area lay part within Colombia's territory the Americans obtained an exploration license from the Government of Colombia. When they located a target believed to be the San Jose the Colombian Maritime Authority (DIMAR) issued a decree designating the Americans to be "finders" of the wreck. During the exploration and at the time of finding Colombian officials were aboard the submarine and surface ships, logging the location of the target.

As required, the Americans (Sea Search-Armada) filed the coordinates of the target with DIMAR. The target is beyond the Continental Shelf in over 700' depth.

Seven different Colombian legal experts (two of them lawyers for the Government of Colombia) rendered written legal opinions that the Civil Code of Colombia vests a 50% share of the find in the finder, Sea Search-Armada.

Colombia drafted a contract to govern recovery of the target and its cargo as between the two half-owners, Sea Search-Armada and the Republic of Colombia. The American group agreed to the terms, but Colombia changed Presidents. The new President submitted the question to the Colombian Congress. Instead of ratifying the contract, President Barco signed a "decree" reducing the Americans' share from 50% to 5%, ex post facto, changing their ownership share to a finder's fee. Moreover, Colombia proposes to levy a 45% tax on whatever the Americans get, reducing their net to 2.25%. Thus, 47.7% of the total, or 95.5% of their share under the Colombian Civil Code, has been expropriated with the explanation that "that is plenty for Americans."

Since 1984, Colombia has been vacillating. Finally, President Barco decided that he would contract only with a sovereign nation for salvage of the San Jose. International and Colombian legal experts advise SSA that it has a vested right in the treasure as is, where is. Colombia has no right to contract with anyone as to SSA's half.

Barco's people (Ambassador to the UN Penalosa for one) say bidding laws require competitive bids if a contract is made with other than a sovereign.

We believe that the "sovereign contract" is a sham device to freeze out the U.S. and SSA. Colombia has made naval, petroleum and coal contracts without competitive bids or sovereign nations. (Also, a contract with a private British firm to salvage galleons which they have discovered—contradictory to their treatment of SSA.) Sweden, via an

investment bank, has agreed to do the job for 24.5%. They agree to pay SSA its 5% from their share. Colombia has announced that it intends to contract with Sweden.

Sea Search-Armada has repeatedly sought a meeting with Barco or his delegates to attempt to settle this matter and assert its 50% ownership.

Colombia has denied every request for a negotiating meeting.

Alternatively, SSA will pursue its remedies in court, in the fora of U.S. public opinion and in the Congress. Colombian courts are a shambles. There is no hope of impartial justice there.

SSA much prefers to settle its claim. Americans have invested over $10 million in the project, much of it spent in Colombia. They do not intend to fold their tent now and creep away. If treasure is recovered, SSA will claim it wherever Colombia and the Swedes try to sell it. There is a vast difference between numismatic value and meltdown value. With SSA's cloud on its title, the gold will only bring the lower price.

The Americans would like some help from their government. Colombia is dependent upon U.S. business investment, trade and good will.

This is a case in which Colombia has materially, egregiously mistreated 100 American business people for no reason except pure greed.

It is to Colombia's interest to avoid this fight, but apparently that is not believed by the Colombians.

Sincerely,

JACK HARBESTON,
Managing Director,
Sea Search-Armada.

[From The Huntsville Times, June 26, 1988]

TREASURE OF CAPITANA SAN JOSE AGAIN SPARKS INTERNATIONAL BATTLE

(By Robert Gettlin)

Loaded with gold, silver and emeralds, the Spanish galleon Capitana San Jose sailed from Cartagena, Colombia, on June 8, 1708, hoping to bring vast riches home to King Philip V, then at war with England.

The proud vessel, thought to be the largest ship then afloat in the Caribbean, barely made it out of Cartagena's harbor. It sank in a battle with British warships seeking to capture Spain's vast booty. The riches and all but a handful of the crew of 600 were lost in a fiery explosion.

Today, 280 years later, it is believed that the wreck of the San Jose remains undisturbed 750 feet below the surface, containing what is regarded as the No. 1 sunken treasure in the world.

First wrested from South American Indians by the Spanish, then pursued by the English and now boldly claimed by Colombia itself, the fabulous wealth beckons. It once again is a source of international intrigue and hostility.

And no wonder. The treasure of the San Jose is valued at between $2 million and $9 billion.

The international battle to recover the riches is as fierce as the fighting that sent the ship to its watery grave. An American company believes it has located the wreck, but Colombia is claiming nearly everything that might be brought up. Other governments, too, are trying to get a share of the treasure.

"There's no doubt that they (the Colombians) are trying to steal the treasure," says Jack Harbeston, managing director of Sea Search-Armada, the U.S. partnership of 200 investors which located the site and has invested $10 million since 1981 in the effort. "The value of what's down there could double (Colombia's) foreign reserves."

For nearly three centuries, no one was quite sure where the San Jose went down. But Sea Search went to Spain and England and studied the records of the original naval engagement. In 1980, Colombia awarded Sea Search a license to search for the wreck. By late 1981, the Americans had found a likely target.

Sea Search, as required by its license, reported the astonishing findings, providing the Colombians with maps of the principal and some secondary sites identified through sonar, magnetometer and visual analysis by submarine.

Colombia's civil code, reflecting widely recognized maritime law, split the value of recovered underwater treasures 50-50 between the finder, in this case Sea Search, and Colombia.

But the treasure sat unrecovered. After the creation of a presidential commission and much legal wrangling, the Colombian government decided in late 1986 that a new law would be enacted to deal especially with the San Jose.

The result: Sea Search would get just 5 percent of any recovered treasure, not the 50 percent outlined in the civil code.

"They don't march in with soldiers and take over," Harbeston says. "They pass a law after you've done the work. This is a warning to anyone who is thinking of doing business or investing in Colombia. You have to beware that the rules could change right in the middle."

The Colombians argue that they never had a 50-50 deal. "The Colombian law is quite clear. The finder has a right to 5 percent, and the remainder is disposed of by the government of Colombia as it sees fit," says Mauricio Obregon, a member of the Colombian government commission on the San Jose, in a telephone interview from Bogota.

Obregon acknowledges that the decree setting forth the new 95 percent arrangement was passed by the Colombian Congress to deal specifically with the San Jose treasure and after Sea Search reported its discovery.

"Sea Search has one interpretation of what the Colombian civil code said before we passed the decree," says Obregon, noting that he speaks not on behalf of the Colombian government but only as an expert on the matter.

"Sea Search is certainly entitled to that, but others interpret it differently. The point is that Colombian law now gives the finder, which would be Sea Search, 5 percent. That's still pretty nice."

Sea Search says that depending on how Colombia assess taxes on its portion, the return to the U.S. investors could be 3 percent or less.

The fight for the San Jose is complicated by Colombia's rampant and widely publicized troubles with cocaine and terrorism and the country's effort to bolster its image in the United States.

The Colombians are anxious to lure U.S. investment to their country, and the dispute with Sea Search could cause setbacks. But Colombian President Virgilio Barco says he cannot afford to be tagged with domestic criticism for allowing foreigners to take what Colombians say is their national treasure.

"It could become a big domestic issue in Colombia," says Bud Jacobs, spokesman for Assistant Secretary of State for Inter-American Affairs Elliott Abrams.

"The Colombians have to be very careful about the way they handle this, because they can't afford for leftists to say that Barco gave away a national treasure to the gringos," says Jacobs, who lived in Colombia for four years. "It's a public relations problem, but a very sensitive issue."

Meanwhile, U.S. officials privately have told Sea Search they are sympathetic. But the United States also wants Colombia's cooperation in anti-drug and -terrorism efforts. And the State Department has determined that the U.S. government can't get involved in a commercial enterprise to recover the treasure, as Colombia has suggested.

Harbeston recently met with Abrams, Sen. Daniel P. Moynihan, D-N.Y., Rep. Guy Vander Jagt, R-Mich., and other members of Congress in a bid for support.

Vander Jagt has said: "The experience of a group of American investors must shake the confidence of anyone thinking of doing business with Colombia. . . . Their rights were taken away by a stroke of President Barco's pen."

One State Department official, speaking on condition he not be named, says: "We'll lend our moral support to Sea Search. We don't like seeing American businessmen get screwed. But there isn't a lot we can do."

Recovering the San Jose treasure also presents daunting technical challenges, experts say. The target is in deep waters, resting on a ledge on the sea floor, and is covered by coral.

Mendel Peterson, a naval historian and former director of undersea exploration at the Smithsonian Institution, notes: "The San Jose blew up when its magazine exploded during the battle. We don't know if the treasure is in one place or scattered all over the bottom."

Peterson, who has been an adviser to Sea Search, says: "The technology exists to retrieve it, although the Colombians don't have it. The question is how much is down there to make it worthwhile?"

Colombian officials contend they aren't interested in the wealth aboard the San Jose, but merely in the archeological value of the wreck.

"This is not a treasure hunt for us," Obregon says. "This is a matter of our national patrimony."

Obregon also disputes Sea Search's estimate of the value of the sunken treasure as being in billions of dollars. "It's way out of line," he says. Asked what value the Colombians put on the wreck, he replies, "We aren't saying."

Harbeston and another member of the Sea Search board of directors say that from the very beginning they proposed a partnership with Colombia that would give the country all the historical material recovered.

"They've been stalling for years," says the board member, asking not to be identified. "We want to work out a contract, but they won't deal with us."

Harbeston says Sea Search, working through the U.S. Embassy in Colombia, has attempted to meet with President Barco. "Meanwhile, they are negotiating with other countries on a contract to bring up the treasure, using our research and legal work as the basis for the recovery effort."

Sweden is considered to be the most likely winner of a contract for the salvage operation. The king of Sweden made a special trip to Colombia a few years ago as part of the lobbying effort.

But Obregon says other nations also are in the running. One source says France also is seeking the contract.

"Colombia will only deal with another government on this, not with a private company," Obregon says. "We are reviewing the proposals and will soon make a decision."

Meanwhile, Sea Search has retained the Washington, D.C., law firm of Baker and McKenzie for the suits that are certain to be filed once Colombia awards the salvage contract.

"We'll file in U.S. courts and in international courts," Harbeston says. "They can't feast upon the fruits of our work."

Mr. SYMMS. Mr. President, I ask my Senate colleagues' staffs, who might be watching, to read this article because it is very important to what has happened. We have an American company who works under the laws of Colombia, and has sought out, spent $10 million, and discovered this massive treasure that may have anywhere from 2 to 10 billion dollars' worth of treasure in the ship. The Government of Colombia, their civil code, vests 50 percent ownership in a finder of such property. Let us say on the conservative side that this treasure happens to be worth $2 billion. That means half of it would go to this American company, and half of that would then go to the U.S. Government in taxes. The Government of Colombia has required them to file where the treasure is, and now they have taken it away from them. They act as though the entire effort is theirs.

It is an absolute outrage, and it is an expropriation of America's property. The next time Colombia proposes that the United States grant economic development funds, foreign aid, military assistance, or other subsidies, I intend to remind my colleagues of Colombia's treatment of the United States investors' Sea Search Armada who rightfully own one-half of the treasury in the *San Jose*.

Mr. President, this story is an outrage, and should be an affront to every Member of the United States Senate about what has happened to this group of American investors by Colombia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, the discussions concerning the Contra aid amendment are continuing. I should alert Senators that there will be at least one more rollcall vote today. There may be additional ones. But the important thing that we can hope for is the movement continue in the effort to reach some agreement concerning the Contra aid amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 5:32 p.m. recessed until 5:47 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SIMON).

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

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1989—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on H.R. 4800 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their reprective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 3, 1988.)

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) entitled "An Act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 13, 23, 73, 76, and 81 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(Including Rescission)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $7,538,765,000, to remain available until expended: Provided, That of the new budget authority provided herein, $89,350,788 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program (section 202 of the Act, as amended by section 2 of Public Law 100-358, approved June 29, 1988); $343,347,300 shall be for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, other than for Indian families; $1,646,948,200 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 14371); $969,570,000 shall be for assistance under section 8 of the Act for projects developed for the elderly under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1,701q); $572,059,890 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f); $368,473,610 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f), of which $45,000,000 is to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77); up to $307,430,000 shall be for section 8 assistance for property disposition; and $1,354,937,780 shall be availabe for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): Provided further, That of that portion of such budget authority under section 8(o) to be used to achieve a net increase in the number of dwelling units for assisted families, highest priority shall be given to assisting families who as a result of rental rehabilitation actions are involuntarily displaced or who are or would be displaced in consequence of increased rents (wherever the level of such rents exceeds 35 percent of the adjusted income of such families, as defined in regulations promulgated by the Department of Housing and Urban Development): Provided further, That up to $145,462,500 shall be for loan management under section 8 and that any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall not be obligated for a con-

tract term that exceeds five years, notwithstanding the specification in section 8(v) of the Act that such term shall be 180 months: Provided further, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and in accordance with the authorization for such fees in section 8(q) of the Act: Provided further, That of the $7,538,765,000 provided herein, $355,509,000 shall be used to assist handicapped families in accordance with section 202(h) (2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q), and $20,000,000 shall be for assistance under the Nehemiah housing opportunity program pursuant to section 612 of the Housing and Community Development Act of 1987 (Public Law 100-242) and the immediately aforementioned $20,000,000 shall not become available for obligation until July 1, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided further, That amounts equal to all amounts of budget authority (and contact authority) reserved or obligated for the development or acquisition cost of public housing (excluding public housing for Indian families), for modernization of existing public housing projects (excluding such projects of Indian families), and for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1989, shall be rescinded: Provided further, That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, any part of the new budget authority for the development or acquisition costs of public housing other than for Indian families may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects other than for Indian families: Provided further, That amounts equal to recaptured amounts for housing development grants shall be made available during 1989 on the terms specified in the sixth proviso under this head in the Department of Housing and Urban Development appropriation for 1987 (section 101(g) of Public Laws 99-500 and 99-591, 100 Stat. 1783, 1783-242, and 3341, 3341-242).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$17,200,000, of which not less than $1,200,000 shall be available for lead-based paint studies, with all funds*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Fair Housing Activities

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, $10,000,000 to remain available until September 30, 1990: Provided, That not less than $5,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

None of the funds provided in this Act or heretofore provided may be used to supplement or enforce the regulations promulgated by the Department of Housing and Urban Development on June 6, 1988, with respect to the testing and abatement of lead-based paint in public housing until the Secretary develops comprehensive technical guidelines or reliable testing protocols, safe and effective abatement techniques, cleanup methods, and acceptable post-abatement lead dust levels.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$202,500,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$100,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

, of which $900,000,000 is for the space station program only: Provided, That $515,000,000 of the $900,000,000 for the space station program shall not become available for obligation until May 15, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided further, That the aforementioned $515,000,000 shall become available unless the President submits a special message after February 1, 1989, notifying the Congress that such funds will not be made available for the space station program

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert:

$,364,200,000: Provided, That, notwithstanding any provision of this or any other Act, not to exceed $100,000,000 may be transferred to the National Aeronautics and Space Administration in fiscal year 1989 from any funds appropriated to the Department of Defense and such funds may only be transferred to the "Space flight, control and data communications" appropriation for space shuttle operations: Provided further, That the transfer limitation in the immediately preceding proviso shall not apply to funds transferred for advanced launch systems or under existing reimbursement arrangements: Provided further, That the funds appropriated under this heading are, together with funds permitted to be transferred hereunder

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: Provided further, That in addition to sums otherwise provided by this paragraph, an additional $20,000,000, to remain available until expended: Provided further, That up to $30,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Research and development" and/or "Research and program management".

SCIENCE, SPACE, AND TECHNOLOGY EDUCATION TRUST FUND

There is appropriated, by transfer from funds appropriated in this Act for "Construction of facilities", the sum of $15,000,000 to the "Science, Space, and Technology Education Trust Fund" which is hereby established in the Treasury of the United States: Provided, That the Secretary shall invest such funds in the United States Treasury special issue securities, that such interest shall be credited to the Trust Fund on a quartered basis, and that such interest shall be available for the purpose of making grants for programs directed at improving science, space, and technology education in the United States: Provided further, That the Administrator of the National Aeronautics and Space Administration, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of such available funds on a competitive basis: Provided further, That such grants shall be made available to any awardee only to the extent that said awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made: Provided further, That of the funds made available by this Trust Fund. $250,000 shall be disbursed each calendar quarter for a ten-year period to the Challenger Center for Space Science Education: Provided further, That the Administrator of the National Aeronautics and Space Administration shall submit to the Congress an annual report on the grants made pursuant to this paragraph

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: Provided further, That notwithstanding the preceding proviso, none of the funds appropriated in this Act may be used to pay the salary of any individual functioning as a federal employee, or any other individual, through a grant or grants at a rate in excess of $95,000 per year

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

: Provided further, That no funds in this Act shall be used to acquire or lease a research vessel with ice-breaking capability built by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 percentum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That a new competitive solicitation for such vessel shall be conducted: Provided further, That if the vessel contract-

ed for pursuant to the foregoing is not available for the 1989-1990 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel: Provided further, That the preceding four provisos shall not apply to appropriated funds used for the lease of the vessel Polar Duke

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

: Provided further, That, during fiscal year 1989, jurisdictional average employment shall not exceed 38,000 for administrative support: Provided further, That, notwithstanding any other provision in this Act, a supplemental budget request may be transmitted to maintain the personnel level mandated by this Act

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: Provided further, That the Veterans Administration shall, from funds previously appropriated for the replacement and modernization of the hospital at Allen Park, Michigan, immediately proceed with the planning, site acquisition, site preparation, and design of a new hospital in downtown Detroit, Michigan, which contains not less than 503 hospital beds

Mr. BYRD. Mr. President, I ask unanimous consent that there be a 20-minute overall time limitation on the conference report, 10 minutes under the control of Mr. PROXMIRE and 10 minutes under the control of Mr. GARN.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield myself as much time as I may require.

The report we have before us sets forth the decisions of House and Senate conferees on fiscal year 1989 funding for the Department of Housing and Urban Development [HUD], the National Aeronautics and Space Administration, the Veterans Administration, the Environmental Protection Agency, the National Science Foundation, the Federal Emergency Management Agency, and a number of smaller entities.

The pending conference report recommends that the Congress provide a total of $59,386,045,000 in new budget authority in fiscal 1989 for HUD and various independent agencies. This is $2 billion more than the Congress provided in fiscal 1988 and $719 million more than the administration's request. The conference report would add $309 million to the funding contained in the bill as it passed the Senate, an increase reflected in a reallocation recently approved by the Senate Appropriations Committee under section 302(b) of the Budget Act.

Although the bill is above the administration's request in budget authority, I am happy to say that we have pared $466 million in outlays from the administration's fiscal 1989 request by making substantial reductions in high-outlay programs.

Mr. President, I warmly commend the chairman of the House subcommittee, Congressman EDDIE BOLAND. He is a remarkable man. I do not think there is a more popular Member of the House of Representatives or the Congress for that matter. And I commend him for his fine stewardship of this bill. Congressman BOLAND and I have chaired this subcommittee together for 10 years. I can say with all sincerety that it has been a great pleasure to work with him since the early 1970's. We will both be leaving Congress this year and I wish him well in his retirement from the House.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill provides $7.539 billion in new budget authority for assisted housing, including $1.647 billion for modernization and $343 million for the new construction or major reconstruction of public housing; $89 million for 1,243 units of Indian housing; $1.47 billion for section 202 elderly and handicapped housing allowing for the construction of 9,500 units; $1.14 billion for 47,000 incremental voucher units; $542 million for 18,000 existing section 8 certificate units; $368 million for moderate rehabilitation including $45 million for homeless single room occupancy units; and $20 million for the Nehemiah Grant Program.

The conference agreement requires that $1.2 million be spent on lead-based paint studies and stipulates that no funds may be used to implement or enforce HUD's lead-based paint regulations until the Secretary develops comprehensive technical guidelines on reliable testing methods, safe and effective abatement techniques, cleanup methods, and acceptable post-abatement lead dust levels.

ENVIRONMENTAL PROTECTION AGENCY

The conferees agreed to a budget of $5.155 billion for the Environmental Protection Agency. Although a decrease of $235 million below the Senate-passed bill, it is an increase of $376 million above the budget request. The conference agreement includes the lower House figures of $1.425 billion for Superfund—$100 million less than the Senate mark—and $1.95 billion for the wastewater treatment construction grant program—a cut of $150 million from the Senate allowance.

Among other budget add-ons, the report provides $47.5 million for asbestos in schools; $5 million for global climate studies; $6 million for stratospheric ozone studies; an increase of $6.5 million for air grants resulting in a total appropriation of $101.5 million; $7.5 million for the Clean Lakes Program; and an increase of $3.6 million in the Great Lakes Program providing a total of $13 million. The conferees recommended a cut of $13.65 million below the budget request for pesticide storage and disposal, leaving a budget of $46.35 million.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The conferees recommend $634 million for the Federal Emergency Management Agency. The conferees agreed to a total of $100 million for the Disaster Relief Program, a decrease of $100 million below the budget request. This reduction assumes a lower-than-average level of disasters in fiscal year 1989.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference report provides $10.7 billion for the National Aeronautics and Space Administration [NASA] including $900 million—$700 million more than the Senate-passed version of the bill provided—for NASA's space station with $515 million to become available after May 15. Frankly I am concerned about the wisdom of this decision because the station will be funded at the expense of a balanced space program. The conference report includes the lower House amounts for planetary exploration, the Hubble space telescope, life sciences, and other research and development programs, although it would allow NASA the discretion to transfer $30 million into these programs. I hope we aren't making the same mistake we made with the shuttle by putting all our eggs in the space station basket.

The bill would provide $4.364 billion for NASA's space flight, control and data communications program with language allowing up to $100 million to be provided by transfer from the Department of Defense for space shuttle operations.

Finally, the conference committee agreed to provide $15 million for a new trust fund for the Challenger Center for Space Science Education. Senator GARN's efforts in this area are to be commended.

NATIONAL SCIENCE FOUNDATION

The conferees agreed to a total budget of $1.885 billion for the National Science Foundation including $1.583 billion for research and $156 million for science education. The budget recommended for NSF is close to 10 percent more than the fiscal 1988 level.

VETERANS' ADMINISTRATION

Finally, the conference committee agreed to a total of $28.15 billion for

the Veterans' Administration including $10.54 billion for veterans medical care. Funds are provided to increase the current staffing level by 580 positions, 300 of which are designated for the treatment of patients with AIDS. the conference agreement provides $45 million for special pay rates for nurses and other scarce medical specialties and an additional $42 million above the budget request to fully fund the anticipated 2-percent pay increase in 1989.

The conferees recommended $363 million for major construction, a decrease of $5 million below the budget request. The conference agreement provides additional funds for nursing home care units at Saginaw, MI; Wilkes-Barre, PA; Mountain Home, TN; and New Orleans; a clinical addition in Dallas; and an air-conditioning project at Madison, WI.

The conferees agreed to provide $26 million for the parking garage revolving fund, an increase of $17 million above the budget request, to construct a parking garage at the New Orleans VA medical center.

Finally, Mr. President, I would like to mention a number of printing errors in the Joint Explanatory Statement of the Committee of Conference on the bill. Under FEMA's planning and assistance appropriation, the conference agreement includes a reduction of $300,000 from the budget requested for the civil defense research program. The agreement for NASA's research and development appropriation is $4,191,700,000 and $1,855,000,000 for the research and program management appropriation. Finally, under VA's major construction, the conference agreement includes an additional $5 million for an air conditioning project at Madision.

Mr. President, I am awaiting the presence of the distinguished Senator from Utah, who is the ranking member of the committee. I suggest the absence of a quorum and ask unanimous consent that it not be taken out of either side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GARN. 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. GARN. Mr. President, I rise in support of the HUD and independent agencies appropriations conference report.

I would say that under the circumstances this is an extremely good bill. We have had a very difficult time this year under unusual budget constraints and particularly on the Senate side where the Senate Appropriations Committee chose to give this particular subcommittee the lowest 302(b) allocation—so low, in fact, it was over $600 million below the House allocation. We were able to resolve that with the House, under those circumstances, I think, in a very, very good fashion.

Obviously there are some areas that both Senator PROXMIRE and I wish could be different, but under the circumstances this is a good result and just over an hour ago was passed overwhelmingly in the House of Representatives.

I commend both Chairman BOLAND and Chairman PROXMIRE on this bill, working under these very difficult circumstances. Unfortunately, both of them are retiring and this is their last bill.

I happened to hear Chairman BOLAND on the House side during passage of that bill where he mentioned that he had served as chairman on the Subcommittee on HUD and Independent Agencies in the House for some 18 years, and 10 of those years he and Senator PROXMIRE were chairmen; 9 out of those 10 years that they served as chairmen together this bill was signed into law by the President separately without being in a continuing resolution.

I mention that the 6 years that he and I were chairmen of the respective committees, that 4 of those 6 years, we had a separate bill signed. In fact, the fifth year we had a separate bill and they chose by reference to put that into the continuing resolution.

This would make another year where this bill is kept out of the continuing resolution, showing that it can be done. The Senate and the House can do their work and not play the silly games of getting into continuing resolutions.

So I wish to commend Chairman PROXMIRE and Chairman BOLAND for the great work they have done over a long number of years and the very distinct pleasure I have had of working with both of them over the last 14 years. They are to be commended for their work.

I also thank Tom van der Voort, Carrie Simmons, Diana Kim, Democratic staff, and Stephen Kohashi, Penny German, and we also have some Presidential management interns on temporary assignment, Diane Hill, Marge Frome, and Mike Marlaire. They have all done very good work.

When we started this year in January I frankly would not have been optimistic at all. As a matter of fact, as late as a month ago I would not have been optimistic that a bill this good under the circumstances could have been produced.

So, once again, I am very pleased and hope all of my colleagues will support the bill and once again commend Chairman PROXMIRE and thank him for all of the good work that I have been able to share with him for the last 14 years.

Mr. PROXMIRE. Mr. President, I appreciate very much the kind remarks of Senator GARN. Senator GARN is unique. He is the only Senator who is a genuine astronaut. He knows the space program inside and out. He has been a tremendous asset to this particular subcommittee because we are responsible for the NASA budget, of course, as well as for others; but Chairman GARN is certainly not a Johnny-one-note. He is very expert in all the areas. He has been on the subcommittee, I think, during practically all the time he has been in the Senate and, indeed, he has been chairman of this subcommittee for 6 years, and he is a man that it is a delight to work with. He is persistent and very strong in his feelings. We have disagreed on a number of issues but there has never been one bit of disagreeability between us.

I am delighted to know that Senator GARN is going to carry on in the Senate. I am sure he will do that with great continued distinction and fairness.

Mr. President, I do want to say one more thing, and that is I did not say anything about the staff. It was something I neglected. As usual, the staff does the work and they did excellent work in this respect.

An appropriations bill is a very complex animal, as we all know. It is the most important function that Congress performs. We have the power of the purse and how we use that and how accurately and how responsibly we do this depends very heavily on highly competent, very hardworking staffers.

Stephen Kohashi has done a superb job on the minority side and in the majority, for that matter, until last year. And Tom van der Voort and his able people have done very well on our side. So I certainly wanted to pay tribute to them. Senator GARN has already mentioned by name all of the staffers and I certainly want to second what he said.

Mr. GARN. Mr. President, I appreciate the very kind remarks by the distinguished Senator from Wisconsin, but I have to make one correction. It is a very important correction. He referred to me as the only genuine astronaut in the Senate and, boy, have I got to correct that and talk about JOHN GLENN. I will take credit for being the second astronaut. But, considering the fact that our colleague from Ohio was the first American to orbit the Earth, I had to hurry and correct that before he heard the comment.

Mr. PROXMIRE. Mr. President, if the distinguished Senator from Utah will yield, what I did not say and meant to say was that Senator GARN was the only Senator who, as a Sena-

tor, went out into space. He came back, too. But he went out into space. Of course, JOHN GLENN was a great American hero and astronaut before he was a Senator. I guess, once an astronaut, always an astronaut.

But I will still say the only U.S. Senator who, as a Senator, went into space and safely returned was Senator GARN.

Mr. GARN. I appreciate that correction, althought I am sure that a lot of people would think a lot of Senators have been spaced-out for many years.

Mr. PROXMIRE. Mr. President, I yield such time as the distinguished Senator from Alabama may require.

Mr. SHELBY. Mr. President, I appreciate the chairman yielding to me.

Mr. President, if I may inquire of the Senator from Wisconsin, I have a few questions that I would like clarified regarding the NASA appropriation for construction of an advanced solid rocket motor facility contained within this legislation.

It is my understanding that $83 million has been included in this bill for the construction of an advanced solid rocket motor facility. The bill which passed the Senate contained a provision which stated that should a contract be awarded for the development and production of the ASRM which provides for "non-Federal ownership" of a production facility, up to $27 million of the funds provided may be transferred and merged with sums appropriated for "Space flight, control and data communications." Is this correct?

Mr. PROXMIRE. The answer is that the Senator from Alabama is correct.

Mr. SHELBY. Will the Senator yield?

Mr. PROXMIRE. I am happy to yield further.

Mr. SHELBY. I also note that this language allowing the transfer of $27 million from construction of facilities to space flight was deleted without prejudice from the conference report.

Mr. PROXMIRE. The Senator is correct.

Mr. SHELBY. I believe that the full amount appropriated in the bill for ASRM, $83 million, is still available for construction of facilities.

Am I correct in stating that the measure before this body today, the conference report, does not prejudice either a contractor-owned or contractor-operated or a Government-owned/contractor—excuse me, let me do that again.

Am I correct in stating that the measure before this body, the conference report, does not prejudice either a contractor-owned/contractor-operated or a Government-owned/contractor-operated facility?

Mr. PROXMIRE. The Senator is correct. And the way the Senator phrased that question makes it correct. For a while I was not sure, but the way the Senator phrased it, that is correct.

Mr. SHELBY. After I corrected myself.

Mr. PROXMIRE. That is correct.

Mr. SHELBY. I wonder if my distinguished colleague would respond that in this conference report you are trying to create a level-playing field; if NASA goes with a Government-owned facility or a privately owned facility, that you are looking basically for what is best in the long run for the taxpayer?

Mr. PROXMIRE. What is best for the taxpayer and what is best in terms of quality and safety.

Mr. SHELBY. That is right.

I am concerned that all parties have an opportunity to compete on an equal playing field. It is imperative that NASA have the flexibility to choose the best proposal put forth in order to assure that the taxpayers' dollars are spent most efficiently. The ASRM facility will be a vital component in securing our Nation's preeminence in the area of space exploration. Therefore, it is my hope that this decision by NASA transcend politics and be awarded to whoever can present the best proposal.

I appreciate the distinguished Senator from Wisconsin, the chairman of the subcommittee, yielding.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it not be taken from either side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed 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.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for not to exceed 5 minutes in morning business.

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

SOVIETS PENETRATE WESTERN BOND MARKETS

Mr. HELMS. Mr. President, I am deeply concerned about the Soviet Union's penetration of western securities markets. For the second time this year, the Soviet Union has floated a bond issue in the West, aided and abetted by Western banking institutions—including United States institutions.

This Soviet penetration of international securities markets allows the Kremlin to recruit Western banks, securities firms, pension funds, insurance companies, corporations and even individuals as lenders of hard currency not tied to specific projects to finance the Soviet empire.

Western financing of the Soviet Union is dangerous to free world security because it strengthens the Kremlin's military-industrial complex. For more than seven decades, German, British, French, American and other Western banking institutions have been building communism in Russia. German banking and industrial interests have played a particularly significant role.

On June 15 of this year, the Senate passed, 96 to 0, a resolution introduced by the distinguished Senator from Tennessee [Mr. SASSER] which called on the administration to place on the agenda of the Toronto Summit the issue of the impact on Western security of such credit flows to the Soviet bloc. The Treasury Department and the State Department rejected the Senate's concerns.

SOVIET-WESTERN BOND DEAL

This latest bond deal between the Kremlin and Western financiers involves 500 million deutsche marks or about $271.1 million. The 7-year term carries a 6⅝ percent coupon rate. The first deal, concluded this past January, was for 100 million Swiss francs, or about $65.4 million, for 10 years.

Mr. President, where, anywhere in the world, can anyone borrow money at 6⅝ percent? Where can the American taxpayer or the U.S. Government find such a low rate? Nowhere.

In the United States, the average consumer interest rate is between 18 and 19 percent. The average mortgage loan rate is about 10 to 12 percent. The prime rate is between 9½ and 10 percent. Treasury bills are at about 10¼ percent. No American taxpayer, and not even the U.S. Government, can get funds at the rock bottom rate the Soviets have just obtained in the West.

Mr. President, four American firms participated in this most recent Soviet bond offering. They are: Citibank, Shearson Lehman Hutton Inc., Salomon Brothers, and Morgan Stanley.

It is not surprising that the deal was led by West Germany's Dresdner Bank. The West German Deutsche Bank, Commerzbank, and Westdeutsche Landesbanke were colead managers. The earlier Swiss franc deal was led by the Westdeutsche Landesbanke.

PREVIOUS SOVIET-WESTERN DEALS

The penetration of East Europe and the Soviet Union by West German banks and industrial corporations is not new. The present Soviet-Western bond issue is paralleled by Western financing of the so-called Russian Revolution, that is, the Bolshevik coup d'etat of 1917.

It is a historical fact that the Russian Revolution was financed in large measure by German banks acting in concert with the German General Staff. I spoke in some detail on this subject in the Senate on February 29, 1984, noting, among other authorities, Prof. Z.A.B. Zeman's book "Germany and the Revolution in Russia 1915-18" published by the Oxford University Press in 1958.

The destruction of the Tsarist monarchy and the seizure of Russia by German-led financial and industrial syndicates was part of the overall Pan-German geopolitical strategy for world domination which led to the outbreak of World War I and contributed to the rise of Hitler and to the outbreak of World War II.

The Pan-German strategy called for German domination of East Europe and Russia through a combination of political, military, psychological, and economic means. The strategy was presented to the German public in a number of propagandistic books and maps published in Germany during the 1880's and 1890's. It is interesting that certain British, French, and American interests were allowed to participate on a selected basis in implementing this design.

At the turn of the century, this strategy included the so-called Hamburg to Baghdad scheme for rail transportation linking the German Empire to the Ottomon Turkish Empire. In addition, the concept of a German dominated "MittelEuropa" emerged as a method of denying France influence in Eastern Europe and Soviet Russia.

Behind this entire strategy to dominate Europe and Russia were the major German banks such as the Deutsche Bank, Dresdner Bank, and Commerzbank and Rhineland industrialists such as Hugo Stinnes. This plan for German domination resulted in two major World Wars this century—a history lesson we seem to forget in today's television-dominated world. Hollywood has displaced reality.

The structure of the current economic détente with the Soviet Empire has a strange resemblance to these past intrigues. In 1922, the Genoa Economic Conference brought the Communist rulers of Russia to the negotiating table with Western diplomats for the first time. The Rapallo Treaty of 1922—an outgrowth of the Genoa Conference—between Germany and Soviet Russia formally established commercial relations between these two pariah states.

These commercial relations provided cover for secret military relations including research, coproduction, and training in weaponry for Germany forbidden by the Treaty of Versailles.

By the late 1950's, West Germany regained its economic strength and became a main trading partner of the Soviet bloc.

In the 1960's, Willi Brandt's political and economic opening to East Europe and the Soviet Union—the so-called "Ost-Politik"—was driven by West German financial and industrial combines seeking an expansion of trade and economic space to the east.

Today, powerful West German interests dominate the Soviet and East European trade.

CRISIS IN FREE WORLD POLICY

This Senator is not arguing that the United States, the United Kingdom, France, and other industrial powers should compete with the Germans to get the Soviet bloc trade. Just the opposite: the free world should unite to deny the Soviet Empire the goods and services that it needs to achieve its global imperial objectives.

The purpose of North Atlantic Treaty Organization [NATO] and the Organization for Economic Cooperation and Development [OECD] is to provide for the defense and economic cooperation of the West. If these organizations cannot fulfill this purpose through real and effective cooperation in denying the Soviet Empire the ability to wage war against the free world, the United States would do well to rethink its commitments to these organizations. We spend over $150 billion a year on NATO.

Mr. President, it may well be the hour for formulating a new national security strategy for America owing to rapidly changing international conditions and alignments of power.

We have before us the rising economic power of Western Europe and the new constellation envisaged through European economic integration by 1992. By that date, the European Economic Community [EEC] expects to have achieved economic unification with goods and services moving freely in one giant internal market of over 300 million people.

Already we see negotiations and agreements between the EEC and the Soviet controlled Comecon, the economic organization of the Soviet bloc. The model for this larger coordination is the multiplying web of economic relations between West Germany and East Germany.

RISE OF THE ECU

Even the almighty dollar may lose its dominance. The disintegration of the dollar as an international currency engineered by the U.S. Treasury may well result in the dollar's potential displacement by the European monetary unit, the Ecu, as the primary international reserve currency particularly if, as some observers think, OPEC moves to price oil in Ecu's rather than in dollars. Such an action may not be as far-fetched in 1992 as it seems today.

Mr. President, the American taxpayer has every right to know why he or she is being asked for ever greater sacrifices to pay for our defense budget while the Wall Street financiers and their cosmopolitan friends abroad are financing the Soviet Union and its Warsaw Pact allies.

There is indeed a crisis in free world policy toward the Soviet bloc and international communism. On the one hand, citizens of Western nations are asked to make sacrifices for their defense against the Warsaw Pact. On the other hand, Western financiers and industrialists are selling the Warsaw Pact the rope to hang the West. We cannot have it both ways and preserve our freedom for long.

Mr. President, in order than Senators might gain a better understanding of this situation, I ask unanimous consent that a Wall Street Journal editorial of July 29, entitled "John Reed Minds the Store", a Financial Times of London article of July 27, entitled "Soviet Union in DM500m bond issue," a Washington Times article of August 3, entitled "American financiers lend hand to Soviets," a Washington Times article of July 27, entitled "Soviets to obtain more cash in West," a Wall Street Journal article of May 16, entitled "German Banks Increase Loans to Soviets and Introduce Moscow to Bond Markets," a Wall Street Journal article of January 8, entitled "Major Soviet Bond Issues are Expected Despite Requirements to Disclose Secrets," and a Journal of Commerce article of January 8, entitled "Soviet Policy Shift Seen" be printed in the RECORD at the conclusion of my remarks.

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

[From the Wall Street Journal, July 29, 1988]

JOHN REED MINDS THE STORE

"Who knows which political system works," says Thomas Theobald, senior executive vice president in charge of Citibank's international division. "The only test we care about is: Can they pay their bills?"—From a Dec. 21, 1981, Wall Street Journal article by Julie Salamon, dealing with Polish debt.

". . . if the adjustment policies show no foreseeable long-term solution, financing will not be forthcoming, but the country does not go bankrupt."—Walter B. Wriston, chairman of Citicorp., the New York Times, Sept. 14, 1982.

Since these words were uttered, Mr. Wriston has retired and Mr. Theobald has moved on to run Continental Illinois. John Reed, the current Citicorp chairman, is rather busy trying to get sovereign-risk loans of somewhat diminished value off his books. But even with Mr. Reed minding the store, Citicorp's German unit, Citibank AG, the German unit of Citicorp, turns up this week as a senior co-manager of the Soviet Union's first really serious dip into the Western bond markets, a 500 million deutsche mark ($270 million) offering of seven-year notes, bearing a princely interest rate of 6⅜%.

In one sense this is safer than some of Citibank's earlier East-bloc ventures, since instead of keeping its depositors' money at risk it will peddle the notes to individual

and institutional investors. And of course, Citicorp and the other participating U.S. firms—Shearson, Salomon and Morgan Stanley—aren't going to be very big players in this deal relative to the underwritings they customarily handle. The German banks, which along with the German government want to demonstrate their good will toward the Soviets, are leading the way on this issue and probably will be on issues to come once the Soviets develop a taste for easy access to the savings of Western businesses and wage earners.

Still, there are a few little problems. Disclosure, for example. The ostensible borrower is something called the Bank for Foreign Economic Affairs of the U.S.S.R. (BFEA). In West Germany, a sovereign borrower is supposed to publish relevant economic data when it issues bonds. After all, they are going to be publicly traded. An application will be made to list these on the Frankfurt exchange. But this data isn't going to be demanded because—wait for it—the bankers involved claim the BFEA isn't a sovereign entity and the loan isn't being guaranteed by the Soviet government.

BFEA was also the borrower in the Soviet's maiden 100 million Swiss francs ($65 million) last January. The information memorandum issued on behalf of that issue listed the bank's "shareholders," for example, the All-Union Agency of Authors' Right Reservation and the Central Union of Consumers' Societies. But the main holders are the State Bank of the U.S.S.R., and the ministries of finance and trade. So the BFEA is a government enterprise, as are all enterprises in the U.S.S.R.

Now, we can understand why the Soviets and the West Germans who are trying to woo them would prefer not to disclose the real Soviet balance sheet, or, more to the point, the Soviet-bloc balance sheet. By current estimate, outstanding debt of the Soviet bloc is about $130 billion, which is a lot of money for a group of countries with very limited capacity to earn hard currency.

Indeed, some Western banks told the BFEA no thanks. The Dow Jones Capital Markets Report quoted sources as saying that a unit of that most aggressive of deal makers, Credit Suisse First Boston, declined in advance to join the credit, for political reasons. The French Treasury, with socialists now at the helm, reportedly let it be known French banks should stay out.

A former senior staffer on President Reagan's National Security Council, Roger W. Robinson, warns that "the Soviet entry into the international securities markets allows Moscow to recruit, for the first time, Western securities firms, pension funds, insurance companies, corporations and even individuals as lenders of untied money to the U.S.S.R."

President Reagan has twice—prior to both the Venice and Toronto summits—been urged by bipartisan groups of Congressmen and Senators to raise with the allies the national-security dimensions of Moscow's entry into the securities markets. On June 15, the Senate passed by a vote of 96 to 0 a resolution—sponsored by two Democrats, Sasser of Tennessee and Bradley of New Jersey—urging the President to place the issue of the impact on Western security of credit flows to Warsaw-pact countries on the formal agenda at Toronto.

So far, the administration has ignored these appeals, and so have Mr. Reed and other bankers. It seems that the principles enunciated at the beginning of this decade by Messrs. Wriston and Theobald still prevail—if not in lending the bank's money, at least in suggesting that other investors put up the cash.

[From the Financial Times, July 27, 1988]

SOVIET UNION IN DM500M BOND ISSUE

(By Haig Simonian)

The Soviet Union yesterday made its long-awaited major return to the international public capital markets with a DM500m ($271.1m) bond led by West Germany's Dresdner Bank at an interest rate cheaper than equivalent domestic borrowings by the West German federal Government.

The deal follows a SFr100m ($65.4m) Soviet bond issue in January which ended a 70-year absence from international public bond markets and was widely seen as a first attempt by the Soviet Union to test the capitalist waters.

The borrower is again the Bank for Foreign Economic Affairs of the USSR, which is responsible for the country's foreign financing needs.

The Soviet Union has in the past been active in the international syndicated loan market, but its two bond issues this year, which are listed on stock exchanges and can be bought by the general public, shows a new willingness to disclose previously secret economic information as well as a greater readiness among investors to buy Soviet paper following the Gorbachev reforms.

The latest deal—for seven years, with a 6⅔ percent coupon and par pricing—was described by bankers in Frankfurt as "in line with market conditions". It had been expected for weeks, and, at a time of rising German interest rates, the borrower was clearly keen to go ahead promptly.

However, the Soviet Union will be paying almost 20 basis points less than the German government for its funds because of plans for a German withholding tax from next year, which has split the domestic and offshore-D-Mark markets and forced up the cost of domestic borrowing. Equivalent maturity German Government paper was quoted at some 6.56 percent on the secondary market yesterday.

Deutsche Bank, Commerzbank and Westdeutsche Landesbank are included as colead managers.

The latest issue is only the start of what may be a large-scale Eurobond borrowing programme by the Soviet Union. Earlier this year, Mr. Victor Geraschenko, vice-president of the Bank for Foreign Economic Affairs, suggested the Soviet Union would borrow much more actively in the future. However, there are still no details of the currencies it plans to tap, nor the size of sums likely to be raised.

The obstacle of differences over investor claims on pre-Revolutionary Russia, which has hampered previous transactions, is gradually being overcome. The most important dispute, between the UK and the Soviet Union, was settled in 1986, while the Soviet authorities agreed to set up joint committees to look into Swiss claims prior to the Swiss franc issue.

[From the Washington Times, Aug. 3, 1988]

AMERICAN FINANCIERS LEND HAND TO SOVIETS

(By Rita McWilliams)

Four of the United States' largest investment houses are underwriting Soviet bonds that went on sale last week in West Germany.

Citicorp, Shearson Lehman Hutton Inc., Salomon Brothers and Morgan Stanley Co. Inc. are part of the banking consortium led by West German banks that have bought some $270 million in bonds from the Soviet Bank for Foreign Economic Affairs.

Moscow's first entry into the West's capital markets since the revolution of 1917 occurred in January, when a Soviet-owned bank in Switzerland sold about $64 million in bonds. The sale in West Germany last week was the Soviets' second sale of bonds, a further testing of Western capital market waters.

The bonds that went on sale in West Germany last week were sold at 6⅔ percent interest. The seven-year bonds are part of an escalating borrowing campaign to help fund Soviet leader Mikhail Gorbachev's economic restructuring.

Another Soviet bond sale is being negotiated in West Germany and what one analyst called "a mega-deal worth a billion" dollars in Soviet bonds is being negotiated in London.

The investment companies in the U.S. were not anxious to discuss the underwriting of the bonds.

Salomon Brothers, for instance, preferred not to comment publicly. "We're going to skip on this one," said Adrienne Simmons, a spokeswoman for the New York office.

A spokesman for Shearson Lehman Hutton Inc. in New York went a bit further. But not much.

"As with any other decision to underwrite, we saw an attractive opportunity after weighing both the risks and benefits," said the spokesman, who requested anonymity.

Citicorp's German unit, Citibank AG, has underwritten about $6,000 of the bonds. Citibank spokesmen in New York apologized that they couldn't comment on the issue because their East European specialist was on a fishing vacation and couldn't be reached by telephone.

Jan Vanous, research director for PlanEcon, a Washington-based economic consulting firm, sums up the attitude of the American firms this way: "Why not get a piece of the action if [selling Soviet bonds] is already being done? . . . Why should they turn over the business to Japanese or German banks?"

The bond selling does not increase U.S. exposure to the Soviet Union, he noted. The companies simply gain fees for handling the sales.

Mr. Vanous pointed out that U.S. banks in general have been cautious in holding Soviet debt in their own portfolios. Of the $35 billion lent by Western banks to the Soviet Union, U.S. banks account for only about 0.05 percent.

But others, including Roger W. Robinson Jr., former director of international economic affairs at the National Security Council, say investments in the Soviet economy could pose grave dangers for the security of the West.

"These U.S. institutions may not be providing untied funds to the Soviets themselves, but they are actively encouraging other organizations and investors to do so," Mr. Robinson said.

"Such investors will have a vested financial interest in supporting continued economic and even political concessions to the Soviet Union," Mr. Robinson said.

The Soviets' new borrowing policies have sparked bipartisan concern on Capitol Hill. The House Banking Committee's international finance, trade and monetary affairs subcommittee will hold hearings on Western loans to the Soviet bloc in mid-September.

[From the Washington Times, July 27, 1988]

SOVIETS TO OBTAIN MORE CASH IN WEST

(By Rita McWilliams)

The Soviet Union plans to sell $270 million in bonds this week through West German banks.

The sale is part of an escalating borrowing campaign through which the Soviets hope to finance economic reforms while continuing to provide aid to their Third World allies.

It is the second bond sale by the Soviets this year after a 70-year absence in the West's capital markets.

The bond sales, coupled with a series of conventional hard currency loans Moscow has obtained primarily from Western European and Japanese banks, add up to nearly $35 billion in loans from the West.

"Today the West just gave the Soviets another $270 million with absolutely no oversight, and with no ties to human rights improvements or any reductions in their military adventures around the globe," said Rep. Charles Schumer, New York Democrat.

"It's just incomprehensible to me that the administration has been unwilling to work with our allies to develop a thoughtful policy toward lending to the Soviets."

The Soviet Union has been expanding its debt to the West, nearly doubling it since 1984, according to the Bank for International Settlements. In addition, most of the increased lending to Eastern Europe since the end of 1984 has gone to the Soviet Union, the bank said. For all of Eastern Europe, loans outstanding totaled $77 billion in September, up from $28 billion at the end of 1984.

A Tass news service report quoted Eduard Gostev, deputy chairman of the Soviet bank's board, as saying the bond issue "testifies to the Soviet Union's increasing participation in the international crediting system and to its broadening banking ties".

"The money obtained through the scheme will go to fund the U.S.S.R.'s foreign trade with Western countries and to develop new forms of its foreign economic activities," he was quoted by Tass.

The Soviet Union needs hard currency to buy Western machinery and technology to help it build its industrial machine and to aid its allies when they are in financial straights. For instance, the Soviet Union promised Cuba a $450 million hard-currency loan last year, according to Gustavo Perez Cott, former vice president of Cuba's state agency for technology and supply.

The recent surge in Soviet borrowing has sparked bipartisan concern on Capitol Hill, especially since the Reagan administration has opposed any multilateral initiative to end untied Western lending to Warsaw Pact nations.

The House Banking Committee's international finance, trade and monetary affairs subcommittee will hold hearings on Western untied loans to the Soviet bloc in mid-September. The Senate voted 96-0 last month on a resolution sponsored by Sen. Jim Sasser, Tennessee Democrat, urging President Reagan to discuss the matter with allied nations.

The bond sale in West Germany follows a $2.1 billion line of credit by German banks to the Soviet Union.

Analysts say the Soviets are working on another bond sale in West Germany and are reportedly negotiating still another in London. The Soviets paved the way for entrance into Western bond markets by providing compensation to holders of czarist bonds in 1986, something they had refused to do in the past.

Jan Vanous, research director of PlanEcon, a Washington-based economic consulting firm, said the Soviets refused to divulge economic data, such as balance of payments or gold holdings, usually required before bond offerings are approved in West Germany. They got around the requirement by invoking a clause in the rules of the Frankfurt Exchange that disclosing such financial information would damage the Soviet Union's security interests.

Mr. Vanous said some economists were disappointed that West German authorities "did not press the Soviets for better economic information" before agreeing to sell the bonds.

"This is setting an unwelcome precedent," Mr. Vanous said. "It indicates the Soviets will continue to seek exceptions" before borrowing funds.

Yesterday's bond sale enables the Soviet Union to borrow roughly 500 million Deutsche marks, or about $270 million.

The sale by the Soviet Union's Bank for Foreign Economic Affairs was offered by a West German banking syndicate led by Dresdner Bank and including Deutsche Bank, West Deutsche Landesbank Girozentrale and Commerzbank.

The seven-year bonds will be sold at 6⅝ interest. In contrast, the U.S. government's 10-year bonds, issued in dollars, pay more than 9 percent.

In January, a Soviet bank in Zurich borrowed the equivalent of $75 million by selling bonds to international investors in what was believed to be the first Soviet entry into the West's capital markets since the revolution of 1917.

"Soviet entry into the international securities markets allows the Soviets to recruit, for the first time, Western securities firms, pension funds, insurance companies, corporations and even individuals as lenders of untied money to the U.S.S.R.," said Roger W. Robinson, former director of international economic affairs at the National Security Council.

"They are obviously seeking capital from the rest of the world," said Herbert Stein, a senior fellow at the American Enterprise Institute and a former chairman of the president's Council of Economic Advisers.

"We ought to take a very political view of this," Mr. Stein said. "We ought to say, 'You want capital from us and we'd like to get something back beside 6 percent interest. What we want from you is better behavior.' "

[From the Wall Street Journal, May 16, 1988]

GERMAN BANKS INCREASE LOANS TO SOVIETS AND INTRODUCE MOSCOW TO BOND MARKETS

(By Peter Gumbel)

Moscow—West German banks are rushing to provide money and financing know-how for Soviet leader Mikhail Gorbachev's economic reforms.

After several lean years of business with Moscow, German banks have embarked on a new round of lending. And, as Mr. Gorbachev's overhaul of the Soviet foreign-trade system takes effect, the bankers expect to help their industrial clients in Germany pick up a large chunk of new business, too.

The most significant development was the recent announcement by Deutsche Bank AG, Germany's biggest bank, that it is establishing a consortium to provide credits of as much as 3.5 billion marks ($1.7 billion) to modernize the Soviet consumer-goods industry. Details aren't clear, but German and Soviet officials say the credits are expected to flow back to German industry as orders for capital equipment.

BOND MARKETS ARE TAPPED

German bankers are also playing a more discreet, albeit just as important role in the Soviet Union's financial affairs. They are actively helping Moscow become more flexible in its foreign borrowing by introducing Soviet financial authorities to international bond makets.

Moscow's first foreign bond issue since the 1917 revolution, for 100 million Swiss francs ($71.5 million), was brought to market earlier this year by a Swiss subsidiary of Duesseldorf-based Westdeutsche Landesbank. Sources say German banks are bidding furiously to manage a second bond issue, this time in marks, from the Soviet foreign economic bank. The issue could raise as much as 500 million marks.

Timing and conditions of the bonds are still uncertain and many hinge on the resolutions of a few technical problems, bankers say in Moscow. The bonds can be registered on Frankfurt's stock exchange only if the Soviet Union reveals financial data, such as gold and foreign-exchange reserves that it has traditionally kept secret. Moscow must also settle its debts with German holders of czarist bonds, which the Bolshevik government refused to honor after the revolution.

But "these aren't big problems," says a Moscow-based German banker. "They were overcome in Switzerland. The main thing is that the Soviet Union realizes it needs to tap new possibilities for credit."

TOKEN PAYMENT

Moscow settled with holders of czarist bonds in the United Kingdom and Switzerland by making a token payment, and presumably would do the same in Germany. The disclosure issue is trickier bankers say. The Russians satisfied the Swiss authorities by supplying some previously secret data, such as gold production. They would probably have to disclose more tidbits to satisfy the Frankfurt stock exchange's to satisfy the Frankfurt stock's exchange's stricter rules. But the banks are likely to use their considerable influence on the exchange to smoothe over any potential difficulties.

In many ways, the Germans are simply reaping the harvest of many years of hard work. German banks and corporations have business ties with Russia that date back decades; some even financed and built the czar's railways more than a century ago, it is natural for Soviet officials to turn for assistance to their biggest Western trading partner.

But the German involvement in Mr. Gorbachev's economic restructuring, known collectively as *perestroika*, also has political overtones. Chancellor Helmut Kohl, scheduled to visit Moscow in the fall, is pushing hard to mend fences with the Soviet leadership. Both sides say economic ties are a means toward that end.

Senior officials from the two governments discussed those ties at a two-day meeting in Moscow last week. On the agenda were several major cooperative projects, including jointly exploiting natural resources on the Kola Peninsula and in western Siberia. German craftsmen may be enlisted to help train Soviet factory workers. German companies already have more joint ventures with Soviet enterprises than concerns from any other country.

DEEP TIES

"Our economic ties go much deeper than is generally realized." says Martin Bangemann, the West German economics minister, who attended the talks, "I'm confident that we will work well together [in economic areas] and this will have a political impact."

With this strong backing from Bonn. German banks don't face the political constraints on lending to the Soviet Union that some of their competitors do. Moscow sources say that major Swiss banks, possibly concerned about adverse publicity, turned down the chance to manage the Swiss-franc bond issue. And while French and Japanese banks are increasingly competitive on Soviet business, the strong American banks all shy away from a pioneer role. Only Bank of America and Chase Manhattan have offices in Moscow, and their representatives are often away.

Perhaps the biggest constraint the German bankers face will be the Soviets themselves. Western estimates put Soviet gross debt at around $38 billion, relatively small for such a huge country. But despite maintaining an excellent credit rating. Soviet officials seem wary about overextending the country's borrowing.

In a recent magazine article, influential economist Nikolai Shmelyov argued that the Soviet Union urgently needs fresh capital to finance the economic reforms. He suggested measures including higher gold sales and taking on "several tens of billions of dollars in debt."

But Mr. Shmelyov apparently is in the minority. "Borrowing money is a very dangerous thing," says Boris Milner, a senior Soviet economist at the U.S.S.R. Academy of Science's Institute of Economics. The Soviet Union's foreign borrowing "depends on our potential to export."

MAJOR SOVIET BOND ISSUES ARE EXPECTED DESPITE REQUIREMENTS TO DISCLOSE SECRETS

(By Stephen D. Moore)

LONDON—Western bankers expect the Soviet Union to become a major issuer of international bonds in coming years. But this will require a lot more *glasnost*, or openness, about the Soviet economy.

Earlier this week, the Soviets' Bank for Foreign Economic Affairs launched the first Soviet foreign bonds in decades—100 million Swiss francs ($74.8 million) of 10-year debt—in a move that had been widely expected since a 1986 accord ended the Soviet Union's protracted feud with Britain over repayment of Czarist bonds issued before the 1917 Russian Revolution.

The Soviets probably won't wait long before returning to the foreign bond markets, even though their increased involvement will put them under greater pressure to disclose rudimentary economic information. The expected emergence of the Soviet Union as a big player already has touched off a competitive scramble among banks to lead-manage its issues.

EUROMARK BONDS

The Russians will issue their first Euromark bonds within four weeks and their first Eurodollar offering before the year ends, predicts Larry Anderson, a London-based economist for Deutsche Bank AG. Soviet authorities have indicated these initial Eurobond issues will be modest in size, according to Mr. Anderson, who visited Moscow with a Deutsche Bank team late last year.

"We're just at the beginning of a long series where Soviets tap all the Euromarkets," the economist says. "But there will be a trial period of small issues while the Soviets gain familiarity with documentation and guarantees and sort out which entities will borrow in Western markets."

The Soviets previously preferred to raise Western funds through syndicated bank loans. They balked at disclosure demands and free trading associated with public markets, Western bankers say. The Russian aversion to bond markets is fading amid talk of overhauling the rigid Soviet banking system, says Jan Vanous, an economist at Planecon, a Washington-based research institute.

In addition, the Soviets have a growing appetite for funds. The recent decline in oil prices and the dollar have hammered energy exports, which account for about 80% of Russian foreign-trade revenue, according to Planecon. Western economists say Moscow has tried to offset the export decline by restraining imports.

But borrowing also is rising. Mr. Vanous estimates the Soviets will need net foreign credits of at least $5 billion annually until the mid-1990s. Starting in 1989, about $1 billion to $1.5 billion of that yearly amount likely will be raised in Eurobond markets, he predicts.

Offerings of this magnitude would put the Soviets in the same class as big sovereign debtors such as Sweden and Italy.

As the Soviets increase their public borrowings, the U.S. economist believes they eventually will be subject to rating by Western rating agencies and forced to issue detailed prospectuses to court Western investors. The Soviet Union's disclosure could include the size of debt outstanding, currency reserves and the balance of payments—all closely guarded state secrets today.

It isn't clear how enthusiastically Eurobond markets and investors will react to the Soviets, however. Some European bankers believe this week's Swiss bond offering raised more questions than it answered.

A SURPRISE CHOICE

International bankers who had wooed the Russians were surprised they chose the Swiss market—and a little-known Swiss unit of a state-owned West German bank as lead manager. Naming West Germany's Westdeutsche Landesbank instead of approaching one of the so-called Big Three Swiss banks is unheard of for a first-time borrower in Swiss markets, bankers say. Alienating the big banks can make future offerings in Switzerland difficult to complete.

Also, Zurich bankers fault the offering's relatively low interest rate and say the bonds aren't being widely placed.

Citing the cool reception of Swiss investors, other bankers doubt whether demand for Soviet paper will be strong, "It's still early days," says Asher Fogel, a Citicorp vice president for new-issue syndication in London.

One bond specialist at a big Swiss bank says his superiors recently warned him "not even to consider underwriting, or recommending purchase of Soviet securities" to clients. "It's not deemed appropriate," the specialist explains. "Buying Soviet securities isn't why people put money in Switzerland."

Big British, Japanese, West German and U.S. banks nevertheless are battling to lead anticipated Soviet Eurobond issues in London. The rivalry has been intensified by speculation that unlike most sovereign borrowers, the Soviets may choose and then stick with a small group of banks for future borrowing.

VIETNAM CAN'T BE TRUSTED

Mr. HELMS. Mr. President, Vietnam showed its true—that is, totalitarian—colors once again last week. Without any shame or hesitation, it announced its decision to halt all cooperation with the United States on the purely humanitarian issues of the MIA's release and emigration of detainees held in reeducation camps, and the emigration of Amerasians.

Today, Mr. President, it remains painfully clear that Vietnam has not changed its conscious national policy of deceit and manipulation that its leaders have used to wreak havoc on Southeast Asia since the 1950's. Vietnam professes to look toward the United States for increased contracts and more normal relations. But a review of recent history clearly shows that the Vietnamese Government is absolutely unworthy of our trust.

In 1972 Le Duc Tho declared that:

> For the fifth time we have declared clearly that the Democratic Republic of Vietnam (North Vietnam) Government and the Provisional Revolutionary Government (Viet Cong) have never wished to force a communist government on South Vietnam.

Of course North Vietnam soon demonstrated the falsity of this declaration.

We all know the terror and disorder North Vietnam brought into the lives of millions of Southeast Asians when the tanks of its regular army overran South Vietnam, finally crashing through the gates of the Presidential Palace in Saigon on April 30, 1975. This contradiction between rhetoric and reality is only one example of a foreign policy built on deception and illusion.

In light of Vietnam's previous misdeeds, today's promises of a withdrawal of Vietnamese forces from Cambodia must be treated with a healthy skepticism on our part, Mr. President. Many times in the 1980's alleged troop withdrawals turned into mere troop rotations. Why should Americans believe today's Vietnamese promises of a pullout when the same group of Marxists that manipulated America before, and indeed manipulated this Congress before, is still waging a war of aggression in Cambodia with the world's fourth largest army?

Even former antiwar activist Joan Baez acknowledged that she had been betrayed by the lies of the Vietnamese Marxists. Miss Baez was shocked to realize that:

> People are used as human mine detectors, clearing live mine fields with their hands and feet . . . Torture is rampant, life in general is hell, and death is prayed for.

Hardly a pretty picture, painted by someone who previously had placed her trust in the words and promises of the Vietnamese Communists.

When the Vietnamese Government agreed last summer to cooperate with

Special Presidential Envory, Gen. John Vessey, on the issue of accounting for American servicemen missing in action in Vietnam, thousands of families across our Nation were hopeful that they would receive information on their lost heroes. Their sense of hope was crushed last week when the Vietnamese Foreign Minister announced that his country's cooperation would be severed. Once again America has been manipulated by the Communist regime of Vietnam. This cynical policy of bullying cannot be tolerated by the free world, Mr. President.

How many commitments must the Vietnamese abandon, Mr. President, before we realize that the Socialist Republic of Vietnam is simply not worthy of our trust? If Vietnam truly wants to bring peace to Southeast Asisa, there are many unilateral actions it can take, such as total withdrawal from Cambodia, to prove its intentions are genuine. Until it does, Mr. President, the entire free world will and must view Vietnam as an untrustworthy nation that has brought death, disorder and insecurity into the lives of millions of freedom-loving Southeast Asians.

THE CALENDAR

Mr. BYRD. Mr. President, I address an inquiry to the distinguished acting leader on the other side, Mr. GARN. Are the following Calendar Orders Nos. 852, 859, 865, 866, 867, 868, 870, 873, and 874 cleared on his side?

Mr. GARN. Those calendar items have been cleared.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the forgoing House bills, Senate bills, en bloc; that amendments where shown be agreed to; that the bills be considered en bloc, agreed to en bloc, motions to reconsider en bloc laid on the table and that amendments to the titles where shown be agreed to and that where Senators have statements, such statements appear appropriately in the RECORD as though read.

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

TEMPORARY CHILD CARE FOR HANDICAPPED CHILDREN AND CRISIS NURSERIES ACT AUTHORIZATION

The bill (H.R. 4676) to amend the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 to extend through the fiscal year 1989 the authorities contained in such act, was considered, ordered to a third reading, read the third time, and passed.

STEEL TECHNOLOGY COMPETITIVENESS AND ENERGY CONSERVATION ACT

The Senate proceeded to consider the bill (S. 2470) to promote technology competitiveness and energy conservation in the American Steel Industry, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) maintaining viable domestic steel and aluminum industries is vital to the national security and economic well being of the United States; and

(2) the promotion of technology competitiveness and energy conservation in the American steel and aluminum industries by the Federal Government is necessary to maintain viable domestic steel and aluminum industries.

(b) PURPOSES.—The purposes of this Act are to increase the energy efficiency and enhance the competitiveness of American steel, aluminum and other metals industries by providing Federal incentives for the establishment of public-private sector partnerships to undertake scientific research and development to develop advanced technologies utilizing the expertise of the steel and aluminum industries, Government-owned laboratories of the Department of Energy and the National Bureau of Standards, universities, State development agencies, and others.

SEC. 3. DEFINITIONS.

For the purpose of this Act, the term—

(1) "Secretary" means the Secretary of Energy.

(2) "domestic company" means a company which is substantially involved in the United States' domestic production or processing of steel, aluminum, or other metals and has a substantial percentage of their operations located within the United States.

(3) "management plan" and "plan" means the management plan provided for in section 4(a)(2).

SEC. 4. ESTABLISHMENT OF SCIENTIFIC RESEARCH AND DEVELOPMENT PROGRAM TO DEVELOP COMPETITIVE MANUFACTURING TECHNOLOGIES AND INCREASE ENERGY EFFICIENCY IN THE STEEL, ALUMINUM AND OTHER METALS INDUSTRIES.

(a) GENERAL AUTHORITY.—(1) The Secretary of Energy, pursuant to the authority provided under provisions of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901, et sec), shall establish an industrial energy conservation and competitive technology program to conduct scientific research and development up to proof-of-concept testing of technologies to carry out the purposes of this Act. Such program shall provide the financial and technical assistance and other incentives which, in the judgment of the Secretary, are necessary to carry out the purposes of this Act.

(2) MANAGEMENT PLAN.—Within 90 days after the date of enactment of this Act, the Secretary shall publish a management plan to be administered and carried out as a part of the Department of Energy's energy conservation programs, for the conduct of scientific research and development necessary to carry out the purpose of this Act. The management plan shall be subject to the following conditions:

(A) the Federal financial obligation shall not exceed 70 percent of the total cost of projects in which there is industry participation;

(B) the Federal contribution may be up to 100 percent of the cost of projects undertaken without industry participation but with the participation of independent laboratories, universities, or non-profit organizations.

(C) in selecting projects, the Secretary shall give priority to projects which include cost-sharing or matching grants from State industrial development sources, industrial and other non-Federal sources.

(D) the knowledge resulting from the research and development activities conducted under the plan shall be used exclusively for the benefit of the domestic steel and aluminum industries.

(E) all proprietary rights of the American steel and aluminum companies shall be protected as provided in section 4.

(3) The Secretary shall consult with representatives of the affected industries and labor in evaluating the progress of research and development activities conducted under the plan.

(4) The Secretary, from time to time, may update the management plan.

(b) PRIORITIES.—In the conduct of research and development activities under the plan, priority shall be given to projects involving—

(1) STEEL PROJECTS.—

(A) the direct production of liquid steel from domestic materials;

(B) the production of near-net shape forms from liquid, powder, or solid steel;

(C) the development of universal grades of steel;

(D) the application of automatic processing technology;

(E) the removal of residual elements from steel scrap;

(F) the treatment and storage of waste materials and other by products from steel production and processing;

(G) the development of super-plastic steel processing;

(H) the development of advanced coatings for sheet steels; and

(I) the development of technologies and equipment related to the production of steel for the protection of the environment and the safety and health of workers; and

(2) ALUMINUM AND OTHER METALS PROJECTS.—

(A) the production of aluminum;

(B) the application of automatic processing technology;

(C) the treatment and storage of waste materials and other by-products from aluminum production and processing;

(D) the manufacture of aluminum mill products;

(E) aluminum recycling technologies;

(F) the development of technologies and equipment related to the production of aluminum for the protection of the environment and the safety and health of workers; and

(G) other metals technologies which, in the judgment of the Secretary, further the purposes of this Act.

SEC. 5. PROTECTION OF PROPRIETARY RIGHTS.

(a) PROPRIETARY RIGHTS.—Notwithstanding any provisions to the contrary in subchapter II of chapter 5 of title 5, United

States Code, except as provided in subsection (d), no trade secrets of the American steel and aluminum companies or commercial or financial information furnished by representatives of such industries on a privileged or confidential basis shall be disclosed in the conduct of the plan or a result of activities under the plan.

(b) PATENT RIGHTS VESTED IN THE UNITED STATES.—All patent rights from inventions developed under the plan implement pursuant to this Act shall be vested in accordance with section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901).

(c) PATENT LICENSING.—(a) Domestic companies which are not research participants under this Act may receive licenses from the Department of Energy to the information and patents generated under the plan. Licensees under this section shall not have the right to sublicense except as necessary for the sale of products or equipment. The Department of Energy shall charge a reasonable fee for such licenses. Royalty fees paid under this section shall be equitably distributed among the direct cost-sharing participants and the United States.

(2) Patents developed under the plan shall be licensed to participants at a discount in accordance with the percent contribution of the participant to the activity generating the patent.

(d) EXCEPTION.—The Secretary may exempt for five years any information which he determines would be harmful to American steel, aluminum and other metals companies if made public, generated as part of steel, aluminum, or other metals initiative at Government laboratories or with Federal funding, from subchapter II of chapter 5 of title 5, United States Code.

SEC. 6. COORDINATION WITHIN DEPARTMENT OF ENERGY.

The Secretary shall coordinate the research and development conducted under the plan with other research and development being conducted by the Department of Energy, in order to increase efficiency and avoid duplication of effort.

SEC. 7. EXPANDED STEEL AND ALUMINUM RESEARCH PROGRAM IN NATIONAL BUREAU OF STANDARDS.

The National Bureau of Standards, through its Institute for Materials Science and Engineering and in coordination with the Department of Energy, shall conduct an expanded program of steel and aluminum research to provide necessary measurement, sensor, and other research in support of activities conducted under the plan.

SEC. 8. REPORTS.

The Secretary, in consultation with the Director of the National Bureau of Standards, shall prepare and submit annually to the President and the Congress at the close of each fiscal year a complete report of the research and development activities carried out under the plan during the fiscal year involved, including the actual and anticipated obligation of funds, for such activities, together with such recommendations as the Secretary may consider appropriate for further legislative, administrative, and other actions, including actions by the American steel and aluminum industries, which should be taken in order to achieve the purpose of this section. The report submitted at the close of the fiscal year 1993 shall also contain a complete summary of activities under the plan from the first year of its operation, along with an analysis of the extent to which it has succeeded in accomplishing the purpose of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) TO THE SECRETARY.—There are authorized to be appropriated to the Secretary, to carry out the functions of the Department of Energy under this Act, the sum of $15,000,000, for the fiscal year 1989, $20,000,000, for the fiscal year 1990, and $25,000,000, for each of the fiscal years 1991, 1992, 1993. Not less than two-thirds of the amounts appropriated in any fiscal year shall be for steel projects.

(b) TO THE BUREAU.—There are authorized to be appropriated to the Director of the National Bureau of Standards, to carry out the functions of the Bureau under this Act, the sum of $3,000,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), this Act shall take effect at the start of the fiscal year 1989.

(b) TERMINATION.—This Act and all authority under this Act shall cease to be effective at the close of the fiscal year 1993.

Mr. METZENBAUM. Mr. President, I rise to support S. 2470. This measure will create a research and development program for the American steel industry. I introduced this bill to help put the American steel industry back on its feet. I am pleased that Senator HEINZ has joined me in this effort.

Testimony before the Subcommittee on Energy Regulation and Conservation revealed that foreign governments funnel millions of dollars into steel R&D efforts overseas. Those efforts have paid off. Today, more often than not, we turn to foreign companies to acquire the latest in steelmaking technology and hardware. When it comes to developing state-of-the-art steelmaking technologies, we are clearly playing catch up to the Germans and Japanese.

Mr. President, it is time for the Federal Government to demonstrate its commitment to a strong American steel industry. We must encourage and facilitate efforts by the American steel industry to take the lead in steelmaking technology development. Increased R&D is necessary to overcome our foreign competitors' advantages.

This bill will do just that. S. 2470 will authorize a 5 year, $125 million research and development program. It is intended to lead to radically new, energy efficient steelmaking technologies by pooling the resources of the Department of Energy's national labs with the talents of researchers from industry and universities. It requires cost-sharing by industry, but allows full Federal financing for nonprofit groups. It is a modest but vital step towards preserving a strong domestic steel industry.

Mr. President, I urge my colleagues to support this measure.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to promote energy conservation and technology competitiveness in the American steel and aluminum industries."

EXPANSION OF CONGAREE SWAMP NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 2018) to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congaree Swamp National Monument Expansion and Wilderness Act".

SEC. 2. NATIONAL MONUMENT WILDERNESS.

(a) DESIGNATION OF WILDERNESS.—Certain lands comprising approximately 15,010 acres as generally depicted on a map entitled "Congaree Swamp National Monument Wilderness—Proposed", and dated July 1988, are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. Such lands shall be known as the Congaree Swamp National Monument Wilderness.

(b) POTENTIAL WILDERNESS ADDITIONS.—Certain lands comprising approximately 6,840 acres as depicted on the map referenced in subsection (a) are hereby designated as potential wilderness additions. Such lands shall be managed by the Secretary of the Interior (hereinafter referred to as the "Secretary") insofar as practicable as wilderness until such time as said lands are designated as wilderness. Any lands designated as potential wilderness additions shall, upon acquisition of any non-Federal interests in land and publication in the Federal Register of a notice by the Secretary that all uses thereon prohibited by the Wilderness Act have ceased, thereby be designated wilderness, shall be part of the Congaree Swamp National Monument Wilderness, and shall be managed in accordance with the Wilderness Act.

SEC. 3. MAP AND LEGAL DESCRIPTION.

As soon as practicable after the date of enactment of this Act, the map referenced in section 2 and a legal description of the boundaries of the wilderness and potential wilderness addition designated by this Act shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, in the Office of the Superintendent of the Congaree Swamp National Monument and with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. 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 such map and legal description may be made.

SEC. 4. ADMINISTRATION.

Subject to valid existing rights, the lands designated as wilderness pursuant to this Act shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effec-

tive date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

SEC. 5. ADDITION TO CONGAREE NATIONAL MONUMENT.

The first section of the Act approved October 18, 1976 (90 Stat. 2517), is amended by—

(1) inserting "(a)" after "That";

(2) striking all after "Federal Register" and inserting in lieu thereof a period; and

(3) adding at the end thereof the following:

"(b)(1) In addition to the lands described in subsection (a), the monument shall consist of the additional lands within the boundary as generally depicted on the map entitled 'Citizens Boundary Proposal for Congaree Swamp National Monument', numbered 178-80-0009, dated July 1988, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The map may be revised as provided in subsection (a). The total acreage of the monument including lands described in subsection (a) and this subsection shall not exceed 22,200 acres.

"(2) In determining the market value of properties acquired pursuant to this subsection, any depreciating effect or loss in value of such properties resulting from establishment of the Monument, which depreciating effect or loss occurred after Federal acquisition of the Beidler tract and prior to enactment of this subsection, shall not be taken into account.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) LAND ACQUISITION FUNDS.—Section 5(a) of the Act approved October 18, 1976 (90 Stat. 2518), is amended by adding at the end thereof the following: "The Secretary may expend such additional sums as are necessary from the Land and Water Conservation Fund for acquisition of lands described in subsection (b) of the first section.".

(b) DEVELOPMENT FUNDS.—Section 5 of the Act approved October 18, 1976 (90 Stat. 2518), is amended by adding at the end thereof the following:

"(c) Notwithstanding subsection (a), there are hereby authorized to be appropriated $3,000,000 for construction and development within the monument.".

Mr. HOLLINGS. Mr. President, I appreciate this opportunity to speak in strong support of S. 2018, the bipartisan bill which would expand the Congaree Swamp National Monument. This bill would expand the boundary of the monument from 15,138 acres to 22,200 acres, with the existing lands being designated as wilderness. It would also authorize the development of facilities within the monument to accommodate the steady increase in tourists to this popular area.

The Congaree Swamp is the largest of the old-growth southern bottomland hardwood forests remaining in the United States. It has been designated a National Natural Landmark and an international biosphere reserve. Remarkably, this unique sanctuary remained virtually undisturbed until as recently as 1969. In subsequent years, however, destruction of the forest by timber harvesters began at a rate of some 500 acres annually. Urgent measures were required to prevent the complete loss of this priceless treasure.

Accordingly, in 1976, Senator THURMOND and I sponsored, and Congress passed Public Law 94-545 to protect the existing forest. That law authorized establishment of the "Congaree Swamp National Monument" within the boundaries of the 15,135-acre "Beidler tract." Trees ranging in age from 200 to 400 years, many of them among the largest known examples of their species, were finally protected from timber harvesting. For example, there are 5 national record specimens of trees and 17 South Carolina record specimens in this area. Also preserved as a result of Public Law 94-545 was the nationally endangered red-cockaded woodpecker, which has active colonies within the pine uplands of the monument.

Public Law 94-545 also mandated that a general management plan for the monument be submitted by the Department of Interior. Realizing the complexities involved in managing and protecting a preserve with the irregular boundaries of the original Congaree Swamp National Monument, Interior was instructed to make recommendations for adding additional acreage to the monument.

The management plan and boundary recommendation were finally submitted in September 1987—8 years late. The report determined that the monument was "operationally submarginal" because of the boundary configuration and the lack of tourist facilities. It is the express purpose of S. 2018 to implement the Interior Department's recommendations. However, this bill goes beyond the Interior's report in one important respect: the National Park Service recommended expanding the monument by only 2,464 acres; S. 2018 expands the monument to its natural boundaries by acquiring 7,000 acres.

Mr. President, I cannot overemphasize the importance and urgency of this bill. As a result of Interior's 8-year delay in submitting its management plan, many acres have been cut that might have been saved. Fortunately, however, many timber owners have cooperated with the National Park Service's request that they not harvest trees pending expansion of the monument. These public-spirited owners deserve resolution of their land's status.

The expansion proposed by S. 2018 will be a major step toward protecting the Congaree Swamp ecosystem including the Congaree River, the floodplain north of the river, and the northern bluffs. This is a good bill that has the unanimous support of the South Carolina delegation. This Congress has a profound responsibility to preserve the Congaree Swamp unspoiled for future generations.

Mr. THURMOND. Mr. President, as author of S. 2018, the "Congaree Swamp National Monument Expansion and Wilderness Act", it gives me great pleasure to rise today in support of final passage of this important legislation. This bill would expand the boundaries of the Congaree Swamp National Monument by 7,000 acres, and designate portions of the monument as wilderness.

I would like to take this opportunity to express my strong appreciation to Senator BUMPERS, the Chairman of the Energy and Natural Resources' Subcommittee on Public Lands, National Parks and Forests, for his strong support and the expeditious manner in which he scheduled hearings and reported this bill. I would also like to thank the ranking minority member, Senator WALLOP, and the other members of the subcommittee for their fine support and cooperation on this measure. It was my distinct pleasure to testify before the subcommittee on June 23 of this year, and I am pleased that this legislation is now before this body.

Mr. President, I want to spend just a few minutes discussing the history of the Congaree Swamp National Monument. In May 1976, it was my privilege to introduce legislation authorizing the initial establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth, southern bottomland forest. The Congaree Swamp lies primarily along the north bank of the Congaree River, approximately 20 miles southeast of Columbia, SC. It is a uniquely forested lowland area, with several giant national and State record trees.

In October of 1976, former President Ford signed into law the legislation which preserved and protected these lands for future generations. That legislation also directed the Secretary of the Interior to develop and transmit to Congress a general management plan for this monument.

A draft version of the general management plan was submitted to Congress in 1987. A modified version of that plan formed the substance of S. 2018, the legislation I introduced in February of this year, and which is before us today. The Energy and Natural Resources Subcommittee on Public Lands held hearings in June and promptly reported a bill just a few days ago.

Mr. President, I would now like to explain the provisions of this bill.

Section one of the bill provides for a short title—the Congaree Swamp National Monument Expansion and Wilderness Act.

Sections two, three, and four designate substantially all of the 15,000 acres within the existing Congaree Swamp Monument as wilderness area.

Wilderness designation means just what it says—this area is wilderness. It

will be preserved in its natural condition. As a general rule, hiking, camping, canoeing and fishing are permissible in wilderness areas. However, pursuant to statute, there is a prohibition on commercial enterprises, structures and installations, permanent and temporary roads, motor vehicles, motorized equipment, motorboats and other forms of mechanical transportation in such areas, all in keeping with the purpose of the National Wilderness Preservation System.

Section five of the bill would increase the size of the monument by 7,000 acres; the new size of the monument will be 22,000 acres—a level many familiar with the land believe is necessary to fully protect the monument. The acreage to be added represents what is known as the "citizens boundary proposal", which was developed by a group of concerned citizens who have a keen interest in protecting the environment. With the additional acreage, the Congaree River will form the southern boundary. Having the river as the boundary will provide a smoother, more uniform border, and will permit easier management by the National Park Service. In addition, the northern boundary will follow the more natural contours of the bluff lines running east to west.

Finally, section six authorizes $3 million for land acquisition, the construction of park visitor facilities, and the improvement of certain roads, parking areas, and boating ramps.

Mr. President, the forest which covers most of the monument represents the last major virgin growth of its type in the Southeast. Almost all other substantial virgin hardwood forests have been subjected to logging. Within the monument is found a southern river-bottom hardwood forest, consisting of sweetgum, blackgum, swamp white oak, southern red oak, willow oak, black oak, nutmeg hickory, water tupelo, bald cypress, and loblolly pine. Included among these are some 200- to 400-year-old giants consisting of 5 national and 12 South Carolina record trees. Previous studies of the National Park Service have found no other area in the Southeast of comparable geological and biological significance.

Furthermore, over 100 bird species are known to exist in the monument, including the Swainson's warbler, red-cockaded woodpecker, Louisiana heron, swallow-tailed kite, and the Mississippi kite. Other wildlife include the white-tailed deer, bobwhite quail, turkeys, raccoons, largemouth bass, bluegill, black crappie, yellow perch, and many others.

Mr. President, this enduring component of Creation has provided hours of enjoyable outdoor recreational opportunities for residents of South Carolina and the Nation at-large. Hiking, canoeing, camping, and fishing represent just a few of the available activities. Attendance has risen from 190 visitors in 1978 to 20,312 in 1987. Accordingly, upgrading the Congaree Swamp and including additional acreage represents sound stewardship of this national resource and will help ensure its preservation for future generations of Americans.

This bill enjoys widespread support in South Carolina. I have received and previously submitted for the CONGRESSIONAL RECORD, on February 1, 1988, at page S376, letters of support from South Carolinians, national associations, and State agencies in South Carolina. Mr. President, this unique natural resource must be protected. Accordingly, I urge my colleagues to support this measure.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTITUTION HERITAGE ACT

The Senate proceeded to consider the bill (H.R. 1939) to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Constitution Heritage Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) 1987 was the bicentennial of the signing of the United States Constitution;

(2) commemoration of the Constitution's bicentennial included various events conducted by the Federal Commission on the Bicentennial of the United States Constitution, and State and local bicentennial commissions;

(3) bicentennial activities included important educational and instructional programs to heighten public awareness of the Constitution and the democratic process;

(4) educational programs for the Constitution should continue after the bicentennial to document its profound impact on the political, economic and social development of this Nation, and in order to recognize those Americans instrumental in the history of the Constitution; and

(5) units of the National Park System preserve and interpret key historic sites that document the history of the origins, subsequent development, and effects of the United States Constitution on this Nation.

(b) PURPOSES.—It is therefore the policy of the Congress to provide each of the following:

(1) the necessary resources to develop a national resource center to undertake, on an ongoing basis, educational programs on the Constitution;

(2) exhibits of, and an archives for, programs on or related to the recent bicentennial of the United States Constitution; and

(3) interpretation of the United States Constitution at those units of the National Park System particularly relevant to its history.

SEC. 3. ESTABLISHMENT OF THE CENTER.

(a) ESTABLISHMENT BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish The National Constitution Center (hereafter in this act referred to as the "Center") within or in close proximity to the Independence National Historical Park. The Center shall disseminate information about the United States Constitution on a nonpartisan basis in order to increase the awareness and understanding of the Constitution among the American people.

(b) FUNCTIONS OF THE CENTER.—The functions of the Center shall include—

(1) serving as a center of exhibits and related materials on the history and contemporary significance of the Constitution;

(2) directing a national program of public education on the Constitution; issuing traveling exhibits, commissioning radio and television programs, furnishing materials for the schools, and providing other education services;

(3) functioning as an intellectual center, drawing both academics and practitioners to debate and refine constitutional issues and, at the same time, providing intellectual support for the Center's exhibits and public education program; and

(4) creating archives for programs on the bicentennial of the United States Constitution.

SEC. 4. ACQUISITION OF SITE FOR AND OPERATION OF THE CENTER.

(a) PROVIDING A SITE.—The Secretary through the General Services Administration, is authorized to provide, upon adequate reimbursement, a site, including necessary structures, for the Center by—

(1) using an existing structure or modifying an existing structure for use; or

(2) constructing a new structure to house the Center. The Secretary may acquire such land as is necessary to provide a site for the Center.

(b) PROVISION OF FUNDS TO THE CENTER.—The Secretary is authorized to make grants to, and enter into cooperative agreements, contracts or leases with The National Constitution Center, Philadelphia, Pennsylvania which shall operate the Center as provided in this Act in order to carry out the purposes of this Act. Funds authorized to be appropriated under this Act may be made available to the National Constitution Center only to the extent that they are matched by such entity with funds from nonfederal sources.

SEC. 5. DIRECTIVES TO SECRETARY.

(a) INDEPENDENCE NATIONAL HISTORICAL PARK AND OTHER UNITS.—The Secretary shall interpret the origins, subsequent development, and effects of the United States Constitution on this country at Independence National Historical Park and at such other units of the National Park System as are closely associated with the Constitution. The Secretary shall select not less than 12 units of the National Park System for such interpretation, including Independence National Historic Park.

(b) MEMORIAL.—The Secretary is authorized to establish and maintain at Independence National Historical Park an appropriate memorial to the United States Constitution as a key document in our Nation's history.

(c) PUBLIC MATERIALS.—In coordination with the National Constitution Center, the Secretary shall develop and make available

to the public interpretive and educational materials related to sites within the National Park System as referred to in subsection (a).

(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners or administrators of historic sites closely associated with the Constitution, pursuant to which the Secretary may provide technical assistance in the preservation and interpretation of such sites.

(e) RESEARCH AND EDUCATION.—The Secretary shall contract with the National Constitution Center and other qualified institutions of higher learning for research and other activities including the distribution of interpretive and educational materials as appropriate in order to carry out the provisions of this Act.

(f) Nothing in this section may be construed to alter or waive the requirement that the Secretary maintain the historic integrity of units of the National Park System, including compliance with section 106 of the Historic Preservation Act (90 Stat. 1320) as amended.

SEC. 6. FUNDING.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendment was agreed to

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

The title was amended so as to read: "An Act to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and to establish a National center for the United States Constitution within the Independence National Historical Park in Philadelphia, Pennsylvania.".

RELEASE OF REVERSIONARY INTEREST IN CERTAIN LAND

The bill (H.R. 3431) to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF AUTHORIZATION OF UPPER DELAWARE CITIZENS ADVISORY COUNCIL

The bill (H.R. 3880) to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years, was considered, ordered to a third reading, read the third time, and passed.

PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS AMENDMENTS ACT

The Senate proceeded to consider the bill (S. 2393 to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize such Act, and for other purposes, which had been reported from the Committee on Labor and Human Resources, with amendments, as follows:

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

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

SEC. 3. SCOPE OF COVERAGE.

Section 102 (42 U.S.C. 10802) is amended—

(1) in paragraph (1), by inserting "or death" after "caused, injury";

(2) in paragraph (3)—

(A) by inserting "(i)" after the subparagraph designation in subparagraph (B);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof the following: ", even if the whereabouts of such inpatient or resident are unknown; or"; and

(C) by adding at the end thereof the following new clause:

"(ii) who is in the process of being admitted to a facility rendering care or treatment, including persons being transported to such a facility."; and

[(3) in paragraph (4), by inserting "or death" after "injury" each place such word occurs.**]**

(3) in paragraph (4)—

(A) by inserting "or death" after "injury" each place such word occurs; and

(B) by inserting before the period at the end thereof the following: ", including the failure to maintain adequate numbers of appropriately trained staff".

SEC. 4. ESTABLISHMENT OF A GOVERNING BOARD.

Section 105 (42 U.S.C. 10805) is amended—

(1) in subsection (a)(6), by striking out "*a* board" and inserting in lieu thereof "*an* advisory council"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) In States in which a system established in a State under section 103 to protect and advocate the rights of mentally ill individuals is organized as a private nonprofit entity with a multi-member governing board, or a public system with a multi-member governing board, such governing board shall be selected according to the policies and procedures of the system. The governing board shall be composed of—

"(A) members (to be selected no later than October 1, 1990) who broadly represent the clients served by the system; and

"(B) in the case of a system organized as a private non-profit entity, members who broadly represent the clients served by the system including the chairperson of the advisory council of such system.

"(2) The governing board established under paragraph (1), and the person acting in the same capacity as such in States that do not have a multi-member governing board, shall—

"(A) be responsible for the planning, design, implementation, and functioning of the system; and

"(B) consistent with subparagraph (A), jointly develop the annual priorities of the system with the advisory council.".

SEC. 5. ADVISORY COUNCIL REPORT.

Section 105(a)(7) (42 U.S.C. 10805(a)(7)) is amended by striking out the period and inserting in lieu thereof the following: ", including a section prepared by the advisory council that describes the activities of the council and its assessment of the operations of the system;".

SEC. 6. ACCESS TO RECORDS.

Section 106(b) (42 U.S.C. 10806(b)) is amended by adding at the end thereof the following new paragraph:

"(3) As used in this section the term 'records' includes reports of incidents of abuse and neglect prepared by the facility staff, and discharge papers under circumstances consistent with other provisions of this Act.".

SEC. 7. GENERAL ACCOUNTING REPORT.

Section 114 (42 U.S.C. 10824) is amended—

(1) in the section heading, by striking out "BY THE SECRETARY"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not later than 18 months after the date of enactment of this subsection, the Comptroller General of the General Accounting Office shall prepare and submit, to the appropriate Committees of Congress, a report that—

"(1) identifies whether mentally ill individuals, as defined in section 102(3)(A), held in Federal, State, and local jails and prisons are subjected to abuse and neglect;

"(2) describes the extent to which mentally ill individuals, as defined in section 102(3)(A), are being inappropriately confined in prisons or jails instead of being served by appropriate mental health programs, and the factors contributing to such inappropriate placements;

"(3) describes model State and local programs designed to divert mentally ill individuals, as defined in section 102(3)(A), from prisons and jails, and place such individuals into appropriate mental health programs;

"(4) describes the extent to which public defenders have knowledge of or have received specific training regarding the special needs of mentally ill individuals, as defined in section 102(3)(A), who are confined in prisons or jails, and the extent to which such public defenders represent such mentally ill individuals when incidents of abuse or neglect are alleged; and

"(5) identifies and analyzes any other issues considered appropriate by the Comptroller General.".

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) SUBCONTRACTING.—Section 104(a)(2) (42 U.S.C. 10804(a)(2)) is amended by striking out "which, on the date of enactment of this Act" and inserting in lieu thereof **[**", including**]** *including,* in particular, groups run by individuals who have received or are receiving mental health services, or the family members of such individuals, which".

(b) TECHNICAL ASSISTANCE LIMITATIONS.—

(1) STATE ASSISTANCE.—Section 104(b)(2) (42 U.S.C. 10804(b)(2)) is amended by striking out "5 percent" and inserting in lieu thereof "15 percent".

(2) ASSISTANCE BY THE SECRETARY.—Section 115 (42 U.S.C. 18025) is amended to read as follows:

"TECHNICAL ASSISTANCE

"SEC. 115. The Secretary shall use not more than 2 percent of the amounts appropriated under section 117 to provide techni-

cal assistance to eligible systems with respect to activities carried out under this title, consistent with requests by such systems for such assistance.".

(c) ADDITIONAL SYSTEM REQUIREMENTS.—Section 105(a) (42 U.S.C. 10805(a)) (as amended by section 5), is further amended by adding at the end thereof the following new paragraphs:

"(8) on an annual basis, provide the public with an opportunity to comment on the priorities established by, and the activities of, the system; and

"(9) establish a grievance procedure for clients or prospective clients of the system to assure that mentally ill individuals have full access to the services of the system.".

[(d) APPLICATIONS.—Section 111 (42 U.S.C. 10821) is amended by adding at the end thereof the following new sentence: "Applications submitted under this section shall remain in effect for a 3-year period, and the assurances required under this section shall be for the same 3-year period.".]

(d) APPLICATIONS.—Section 111 (42 U.S.C. 10821) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Applications submitted under this section shall remain in effect for a 3-year period, and the assurances required under this section shall be for the same 3-year period.".

(e) ALLOTMENT FORMULA.—Section 112(a) (42 U.S.C. 18022(a)) is amended—

(1) in paragraph (2) to read as follows:

"(2) Notwithstanding paragraph (1) and subject to the availability of appropriations under section 117—

"(A) if the total amount appropriated in a fiscal year is at least $13,000,000—

"(i) the amount of the allotment of the eligible system of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall be the greater of—

"(I) $140,000; or

"(II) $125,000 in addition to the amount determined under paragraph (3); and

"(ii) the amount of the allotment of the eligible system of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall be the greater of—

"(I) $75,000; or

"(II) $67,000 in addition to the amount determined under paragraph (3); and

"(B) if the total amount appropriated in a fiscal year is less than $13,000,000, the amount of the allotment of the eligible system—

"(i) of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall not be less than $125,000 in addition to the amount determined under paragraph (3); and

"(ii) of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall not be less than $67,000 in addition to the amount determined under paragraph (3).''; and

(2) by adding at the end thereof the following new paragraph:

"(3) In any case in which the total amount appropriated under section 117 for a fiscal year exceeds the total amount appropriated under such section, as in effect on the day before the date of enactment of this paragraph, for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973, the Secretary shall increase each of the allotments under clauses (i)(II) and (ii)(II) of subparagraph (A) and clauses (i) and (ii) of subparagraph (B) of paragraph (2) by an amount which bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph for prior fiscal years) as the amount which is equal to the difference between—

[(1)] *"(A)* the total amount appropriated under section 117 for the fiscal year for which the increase in minimum allotment is made, minus;

[(2)] *"(B)* the total amount appropriated under section 117 for the immediately preceding fiscal year,

bears to the total amount appropriated under section 117 for such preceding fiscal year.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 117 (42 U.S.C. 10827) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 117. For allotments under this title, there are authorized to be appropriated $14,300,000 for fiscal year 1989, $18,500,000 for fiscal year 1990, and $23,500,000 for fiscal year 1991.".

Mr. HARKIN. Mr. President, I rise today to urge the passage of S. 2393, the Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988. This is bipartisan, consensus legislation that reauthorizes and extends for 3 years the Protection and Advocacy for Mentally Ill Individuals Act of 1986. The bill was unanimously reported out of the Committee on Labor and Human Resources. Cosponsors of the bill include: Mr. WEICKER, Mr. KENNEDY, Mr. HATCH, Mr. SIMON, Mr. STAFFORD, Mr. ADAMS, Mr. COCHRAN, Mr. METZENBAUM, Mr. DOLE, and Mr. DURENBERGER.

While the funding authorized under this act is small compared to other legislation concerning persons with disabilities, the assistance made available is of critical importance in assisting States establish and operate protection and advocacy systems for mentally ill individuals.

Under the act, the systems' mission includes protecting and advocating for the rights of mentally ill individuals and investigating incidents of abuse and neglect of mentally ill individuals who are residents or inpatients in facilities rendering care or treatment.

In addition, the act authorizes the system to pursue matters which occur within 90 days after the client's discharge from a residential facility. The system is required to maintain the confidentiality of patient records to which it gains access.

The entity operating the system is the same entity that operates the protection and advocacy system for persons with developmental disabilities under the Developmental Disabilities Bill of Rights and Assistance Act. However, the system is encouraged to cooperate and subcontract with mental health advocacy organizations in the State.

Each system is required to establish an advisory board including attorneys, mental health professionals, and providers; and at least half of the members must be consumers—individuals who have received or are receiving mental health services or who are family members of such individuals.

Although the act was authorized for 3 fiscal years—1986 through 1988, the first fiscal year saw no activity. The act was passed in May and grant awards were issued in September. As of August 1, 1988, the program has only been operational for 22 months.

The bill includes several amendments designed to clarify current law. First, "death" is specifically listed as a form of abuse and neglect. Second, the bill makes it clear that systems may investigate situations where a mentally ill person's whereabouts are unknown—the person may have disappeared because of the neglect of an employee at an institution. Third, the bill makes it clear that the system may investigate abuse and neglect of a person who is in the process of being admitted into a facility rendering care or treatment, including persons being transported to such a facility.

Fourth, the definition of "neglect" contained in the act is amended to clarify that the failure to provide a safe environment may include the failure to maintain adequate numbers of appropriately trained staff. Finally, the bill clarifies that reports of abuse and neglect prepared by a facility and discharge reports are considered "records" for purposes of the act and thus may be accessed under the applicable circumstances currently in effect.

The bill also makes several changes related to the governance of the protection and advocacy systems. First, the bill requires that in States which have multimember governing boards, such boards be broadly representative of the clients it serves. Second, in the case of a system organized as a private nonprofit entity, the chairperson of the advisory council must be included on the governing board. Third, the system's priorities must be jointly developed by the governing board and the advisory council; however, final approval of the priorities remains with the governing board. Finally, the annual report prepared by the system must include a section by the advisory council describing the activities of the council and its assessment of the operations of the system.

In addition, the bill directs the Comptroller General of the General Accounting Office to prepare and submit a study of, among other things, whether individuals with mental illness held in Federal, State, and local jails and prisons are being subjected to

abuse and neglect or inappropriately confined to jails rather than being served by appropriate mental health programs.

Further, the bill includes several miscellaneous provisions. First, the bill provides that a system should consider entering into contracts with groups run by individuals who have received or are receiving mental health services, or the family members of such individuals. Second, the bill increases the percentage of funds that may be used by systems for training and technical assistance from 5 to 15 percent. Third, the bill places a 2-percent cap on the amount of the appropriation the Secretary may use for technical assistance. Fourth, the bill establishes a grievance procedure for clients of the systems. Finally, the bill provides for a 3-year application period.

The bill increases the minimum allotment for States from $125,000 to $140,000 if Congress appropriates at least $13 million. The authorization level is $14.3 million for fiscal year 1989; $18.5 million for fiscal year 1990; and $23.5 million for fiscal year 1991.

I would like to thank Senator WEICKER, the original sponsor of the act, for all his guidance and support. I would also like to thank Senators KENNEDY, HATCH, SIMON, STAFFORD, METZENBAUM, COCHRAN, and ADAMS for their input and support.

Special thanks goes to Bobby Silverstein, Katy Beh, and Patty Gaul of my staff. Thanks also to Terry Muilenburg and Chris Button of Senator WEICKER's staff; Robin Buckley of Senator KENNEDY's staff; Chris Iverson, Chris Lord, and Nancy Taylor of Senator HATCH's staff; Judy Wagner of Senator SIMON's staff; Sue Ellen Walbridge of Senator STAFFORD's staff; Evelyn Bonder of Senator METZENBAUM's staff; Lisa Pittman of Senator COCHRAN's staff; and John Tayer of Senator ADAM's staff.

I urge my colleagues to support this important legislation.

Mr. WEICKER. Mr. President, I rise today to support S. 2393, the Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988. This important legislation was unanimously reported from the Committee on Labor and Human Resources, and represents a bipartisan effort to both improve and clarify several provisions in the original 1986 law.

Three years ago the Protection and Advocacy for Mentally Ill Individuals Act was developed following a 9-month Senate investigation into the frequently abusive and neglectful conditions existing in many residential facilities for the mentally ill. We learned during that investigation, and in the 3 days of hearings which followed, that there are many mentally ill people in our country without adequate help to ensure that their basic civil rights are protected. Some of the horror stories we heard during that time were indeed shameful. While I see no reason to reiterate them now, I do want to say that it was abundantly clear that an independent advocacy system was needed in order to protect mentally ill individuals in residential facilities from the abuse and neglect to which they were often subjected.

Such a system was made possible through enactment of Public Law 99-319, the Protection and Advocacy for Mentally Ill Individuals Act of 1986. This act established in each State a protection and advocacy system, similar to the system already in existence for developmentally disabled individuals, which would assist mentally ill individuals in residential facilities when conditions of abuse or neglect violated their basic civil rights as citizens of our great Nation. I was proud to be the sponsor of that legislation, and am equally proud to be a cosponsor, with Senator HARKIN and other members of the Subcommittee on the Handicapped, of the reauthorization bill we have before us today.

The bill before us today includes amendments to clarify the scope of coverage, as well as clarifications of the roles of the governing boards and advisory councils. In addition, the bill directs the General Accounting Office to study the status of mentally ill individuals within the criminal justice system. Finally, S. 2393 increases the authorization levels for this program. The inadequacy of current funding levels makes it impossible for existing systems to adquately meet the demand for their services. Indeed, systems in some States have found it necessary to limit activities to one geographic area, or to one facility.

Today I want to focus my remarks on the provision in the bill which amends the definition of neglect to clarify that the failure to provide a safe environment includes the failure to maintain adequate numbers of appropriately trained staff. Indeed, this Senator has long recognized that direct care staff in residential facilities are often faced with the difficult task of providing quality treatment under conditions which are far from optimal. Problems faced by direct care staff were made abundantly clear during the 1985 hearings.

One witness at that time eloquently described the effect of these problems on staff when he stated that direct care staff are expected to "have the wisdom of Solomon, the patience of Job, the caring of Florence Nightingale—all for the wages of a janitor." This witness went on to describe the effect of understaffing and inadequate training and supervision on the overall working environment, conditions which foster the likelihood that abusive and neglectful situations will occur. The efforts of even the most dedicated direct care staff to provide quality treatment continue to be frustrated by such conditions as inadequate staffing levels and inadequate staff training, which increase the likelihood that not only clients, but the direct care staff themselves, will suffer physical injury.

Information recently provided from a survey of seven protection and advocacy systems for the mentally ill indicates that in every State surveyed, the system was already looking at staffing and training issues. In some instances, such issues are routinely considered whenever the system investigates an allegation of abuse or neglect. The protection and advocacy activities authorized through this legislation, by considering such issues, will ultimately have a positive impact on the overall institutional environment.

Finally, I want to extend my thanks to the other members of the subcommittee for their work on this legislation. In particular, I wish to express my deep appreciation to Senators HARKIN and HATCH for their assistance on the clarifying amendment to the definition of neglect, and I urge the passage of this legislation.

Mr. DURENBERGER. Mr. President, I rise today in support of S. 2393, authored by Senator HARKIN, the distinguished chairman of the Subcommittee on the Handicapped, to reauthorize and extend for 3 years the Protection and Advocacy for Mentally Ill Individuals Act of 1986.

Like my colleagues, I am committeed to seeing that every American receives quality care. The reauthorization of this legislation confirms our commitment of ensuring that mentally ill individuals have full protection of their rights including issues specific to Alzheimer's disease patients. In the past I have authored legislation to ensure that the elderly have access to new treatment modalities in mental health care. They, too, deserve access to the great strides made in mental illness advocacy.

Mentally ill elderly people deserve access to services and especially community-based services, avoidance of inappropriate institutionalization, and restoration of individuals to more normal lives.

CBO estimates do not permit us to allow for the fact that many visits to physicians now are really the result of mental illness and must be disguised by patient and/or physician as physical. And, indeed, mental illness can, if untreated, manifest itself in physical ways. Studies show a decrease in the use of medical services of between five and 80 percent, following treatment for mental health problems.

We know that miraculous changes can occur with proper physical, pharmaceutical and personal care. This legislation would help to ensure the adequacy of care received by these indi-

viduals and would monitor the appropriateness of placement of mentally ill individuals. It will monitor the extent to which these individuals are at risk of abuse and neglect, and provide information on model programs which are designed to divert mentally handicapped individuals into appropriate mental health programs. In order to implement such systems, substantial increases in funding levels must also be reauthorized.

The proposed amendments are designed to strengthen the existing legislation. In particular, funding from the Federal appropriation supports part of the activities of my own State's designated agency, the Minnesota Law project. I am pleased to cosponsor this legislation and look forward to working with my colleagues to expedite its passage.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

SEC. 3. SCOPE OF COVERAGE.

Section 102 (42 U.S.C. 10802) is amended—

(1) in paragraph (1), by inserting "or death" after "caused, injury";

(2) in paragraph (3)—

(A) by inserting "(i)" after the subparagraph designation in subparagraph (B);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof the following: ", even if the whereabouts of such inpatient or resident are unknown; or"; and

(C) by adding at the end thereof the following new clause:

"(ii) who is in the process of being admitted to a facility rendering care or treatment, including persons being transported to such a facility."; and

(3) in paragraph (4), by inserting "or death" after "injury" each place such word occurs.

(3) in paragraph (4)—

(A) by inserting "or death" after "injury" each place such word occurs; and

(B) by inserting before the period at the end thereof the following: ", including the failure to maintain adequate numbers of appropriately trained staff".

SEC. 4. ESTABLISHMENT OF A GOVERNING BOARD.

Section 105 (42 U.S.C. 10805) is amended—

(1) in subsection (a)(6), by striking out "*a* board" and inserting in lieu thereof "*an* advisory council"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) In States in which a system established in a State under section 103 to protect and advocate the rights of mentally ill individuals is organized as a private nonprofit entity with a multi-member governing board, or a public system with a multi-member governing board, such governing board shall be selected according to the policies and procedures of the system. The governing board shall be composed of—

"(A) members (to be selected no later than October 1, 1990) who broadly represent the clients served by the system; and

"(B) in the case of a system organized as a private non-profit entity, members who broadly represent the clients served by the system including the chairperson of the advisory council of such system.

"(2) The governing board established under paragraph (1), and the person acting in the same capacity as such in States that do not have a multi-member governing board, shall—

"(A) be responsible for the planning, design, implementation, and functioning of the system; and

"(B) consistent with subparagraph (A), jointly develop the annual priorities of the system with the advisory council.".

SEC. 5. ADVISORY COUNCIL REPORT.

Section 105(a)(7) (42 U.S.C. 10805(a)(7)) is amended by striking out the period and inserting in lieu thereof the following: ", including a section prepared by the advisory council that describes the activities of the council and its assessment of the operations of the system;".

SEC. 6. ACCESS TO RECORDS.

Section 106(b) (42 U.S.C. 10806(b)) is amended by adding at the end thereof the following new paragraph:

"(3) As used in this section the term 'records' includes reports of incidents of abuse and neglect prepared by the facility staff, and discharge papers under circumstances consistent with other provisions of this Act.".

SEC. 7. GENERAL ACCOUNTING REPORT.

Section 114 (42 U.S.C. 10824) is amended—

(1) in the section heading, by striking out "BY THE SECRETARY"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not later than 18 months after the date of enactment of this subsection, the Comptroller General of the General Accounting Office shall prepare and submit, to the appropriate Committees of Congress, a report that—

"(1) identifies whether mentally ill individuals, as defined in section 102(3)(A), held in Federal, State, and local jails and prisons are subjected to abuse and neglect;

"(2) describes the extent to which mentally ill individuals, as defined in section 102(3)(A), are being inappropriately confined in prisons or jails instead of being served by appropriate mental health programs, and the factors contributing to such inappropriate placements;

"(3) describes model State and local programs designed to divert mentally ill individuals, as defined in section 102(3)(A), from prisons and jails, and place such individuals into appropriate mental health programs;

"(4) describes the extent to which public defenders have knowledge of or have received specific training regarding the special needs of mentally ill individuals, as defined in section 102(3)(A), who are confined in prisons or jails, and the extent to which such public defenders represent such mentally ill individuals when incidents of abuse or neglect are alleged; and

"(5) identifies and analyzes any other issues considered appropriate by the Comptroller General.".

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) SUBCONTRACTING.—Section 104(a)(2) (42 U.S.C. 10804(a)(2)) is amended by striking out "which, on the date of enactment of this Act" and inserting in lieu thereof "including, in particular, groups run by individuals who have received or are receiving mental health services, or the family members of such individuals, which".

(b) TECHNICAL ASSISTANCE LIMITATIONS.—

(1) STATE ASSISTANCE.—Section 104(b)(2) (42 U.S.C. 10804(b)(2)) is amended by striking out "5 percent" and inserting in lieu thereof "15 percent".

(2) ASSISTANCE BY THE SECRETARY.—Section 115 (42 U.S.C. 18025) is amended to read as follows:

"TECHNICAL ASSISTANCE

"SEC. 115. The Secretary shall use not more than 2 percent of the amounts appropriated under section 117 to provide technical assistance to eligible systems with respect to activities carried out under this title, consistent with requests by such systems for such assistance.".

(c) ADDITIONAL SYSTEM REQUIREMENTS.—Section 105(a) (42 U.S.C. 10805(a)) (as amended by section 5), is further amended by adding at the end thereof the following new paragraphs:

"(8) on an annual basis, provide the public with an opportunity to comment on the priorities established by, and the activities of, the system; and

"(9) establish a grievance procedure for clients or prospective clients of the system to assure that mentally ill individuals have full access to the services of the system.".

(d) APPLICATIONS.—Section 111 (42 U.S.C. 10821) is amended by adding at the end thereof the following new sentence: "Applications submitted under this section shall remain in effect for a 3-year period, and the assurances required under this section shall be for the same 3-year period.".

(d) APPLICATIONS.—Section 111 (42 U.S.C. 10821) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Applications submitted under this section shall remain in effect for a 3-year period, and the assurances required under this section shall be for the same 3-year period.".

(e) ALLOTMENT FORMULA.—Section 112(a) (42 U.S.C. 18022(a)) is amended—

(1) in paragraph (2) to read as follows:

"(2) Notwithstanding paragraph (1) and subject to the availability of appropriations under section 117—

"(A) if the total amount appropriated in a fiscal year is at least $13,000,000—

"(i) the amount of the allotment of the eligible system of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall be the greater of—

"(I) $140,000; or

"(II) $125,000 in addition to the amount determined under paragraph (3); and

"(ii) the amount of the allotment of the eligible system of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall be the greater of—

"(I) $75,000; or

"(II) $67,000 in addition to the amount determined under paragraph (3); and

"(B) if the total amount appropriated in a fiscal year is less than $13,000,000, the amount of the allotment of the eligible system—

"(i) of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall not be less than $125,000 in addition to the amount determined under paragraph (3); and

"(ii) of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall not be less than $67,000 in addition to the amount determined under paragraph (3)."; and

(2) by adding at the end thereof the following new paragraph:

"(3) In any case in which the total amount appropriated under section 117 for a fiscal year exceeds the total amount appropriated under such section, as in effect on the day before the date of enactment of this paragraph, for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973, the Secretary shall increase each of the allotments under clauses (i)(II) and (ii)(II) of subparagraph (A) and clauses (i) and (ii) of subparagraph (B) of paragraph (2) by an amount which bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph for prior fiscal years) as the amount which is equal to the difference between—

(A) the total amount appropriated under section 117 for the fiscal year for which the increase in minimum allotment is made, minus;

"(B) the total amount appropriated under section 117 for the immediately preceding fiscal year,

bears to the total amount appropriated under section 117 for such preceding fiscal year.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 117 (42 U.S.C. 10827) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 117. For allotments under this title, there are authorized to be appropriated $14,300,000 for fiscal year 1989, $18,500,000 for fiscal year 1990, and $23,500,000 for fiscal year 1991.".

RENEWABLE ENERGY/FUEL CELL SYSTEMS INTEGRATION ACT

The Senate proceeded to consider the bill (S. 1294) to promote the development of technologies which will enable fuel cells to use alternative fuel sources, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

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

S. 1294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Energy/Fuel Cell Systems Integration Act of **[1987]** *1988*".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS—The Congress finds that while the Federal Government has invested heavily in fuel cell technology over the past 10 years ($334,700,000 in research and development on fuel cells for electric power production), research on technologies that enable fuel cells to use alternative fuel sources needs to be undertaken in order to fulfill the conservation promise of fuel cells as an energy source.

(b) PURPOSE.—The purpose of this Act is to **[provide]** *authorize* funds for research on technologies that will enable fuel cells to use alternative fuel sources.

SEC. 3. RESEARCH PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary of Energy shall implement and carry out a research **[program]** *program, pursuant to the Federal Non-Nuclear Energy Research and Development Act of 1974,* for the purpose of—

(1) exploring the operation of fuel cells employing methane gas generated from various forms of biomass;

(2) developing technologies to use renewable energy sources, including wind and solar energy, to produce hydrogen for use in fuel cells; and

(3) determining the technical requirements for employing fuel cells for electric power production as backup spinning reserve components to renewable power systems in rural and isolated areas.

(b) GRANTS.—In carrying out the research program authorized in subsection (a), the Secretary of Energy **[may]** *may, subject to appropriations,* make grants to, or enter into contracts with, private research laboratories.

SEC. 4. REPORT TO CONGRESS.

The Secretary of Energy shall tramsmit to the Congress on or before September 30, **[1989,]** *1991,* a comprehensive report on research carried out pursuant to this Act.

SEC. 5. AUTHORIZATION.

There are hereby authorized to be appropriated $5,000,000 for fiscal year **[1988]** *1990* to the Secretary of Energy to be used to conduct research as provided in this Act.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the Renewable Energy/Fuel Cell Systems Integration Act of 1988 (S. 1294).

Mr. President, as the author of S. 1294 I am pleased that the Senate is considering legislation to promote the development of fuel cell technologies that use alternative fuel sources such as methane from biomass, wind energy, and solar energy.

Mr. President, fuel cells operate by combining hydrogen rich gas with air and converting the chemical energy directly into electricity without any intermediate combustion step. The fuel cell had its initial practical application in Gemini V flight in August 1965 where it proved to be an efficient and reliable power generator with very high energy density.

S. 1294 as reported by the Senate Energy and Natural Resources Committee directs the Secretary of Energy to implement and carry out a research program to develop fuel cell technologies that use alternative fuel sources. The program would also explore possibilities for using fuel cells in conjunctions with renewable power systems in rural and isolated areas. The bill authorizes the Secretary of Energy to make grants to private research laboratories for that purpose. By September 30, 1991, the Secretary is directed to transmit to Congress a comprehensive report on the research carried out under this legislation. Finally, the bill authorizes $5 million for conducting this research for fiscal year 1990.

Mr. President, I urge my colleagues to support this important effort.

Mr. JOHNSTON. Mr. President, this statement is in support of S. 1294, the Renewable Energy/Fuel Cell Systems Integration Act of 1988. The purpose of the bill, as reported by the committee on August 5, 1988, is to promote the development of technologies which will enable fuel cells to use alternative fuel sources.

Fuel cells are devices which convert chemical energy into electricity. Hydrogen-rich gas reacts with oxygen in the air and is converted immediately into direct electrical current. Fuel cells possess characteristics that are desirable for power generation including: high efficiency, low environmental impact, noiselessness, modularity and relatively little lead time for construction. Types of fuel cells currently under development include the phosphoric acid, molten carbonate and solid oxide fuels cells for stationary applications, and the proton exchange membrane [PEM] for transportation applications.

Testimony before the Subcommittee on Research and Development on September 23, 1987, indicated that high capital costs for fuel cells are the primary reason that there has not been a great deal of utility interest in these technologies in the United States. The Department of Energy believes that fuel cells must be in the $1,500 to $2,000 per kW range in order to be considered a viable technology for commercial use. Current costs, however, are in the neighborhood of $2,200 to $2,500 per kW. Researchers at that same hearing in September testified that they believe that capital costs can be lowered to $800 to $1,200 per kW by the end of the century, but only with additional funding for research.

S. 1294 is intended to encourage research on technologies that will enable fuel cells to use alternative fuel sources such as methane from biomass, wind energy, and solar energy. The bill directs the Secretary of Energy to implement and carry out a research program. It also authorizes the Secretary of Energy to make grants to, or contract with private research laboratories, subject to appropriations, for that purpose. The Secretary is directed to transmit to Con-

gress by September 30, 1991, a comprehensive report on the research carried out under this legislation. The bill also authorizes $5 million in fiscal year 1990 for conducting this research.

The goal of Federal research in fuel cells since the mid-1970's has been to develop a highly energy efficient technology with especially desirable characteristics for electric power production. Federal investment in fuel cell technology research and development over the prior 10-year period was $260 million. This research and development program has been built largely upon congressional initiatives. The point of commercial payoff for this large investment appears to be fast approaching, but a strategy and policy for acting upon the research findings has not yet been implemented. This bill is aimed at achieving such a policy change by encouraging the development of fuel cells integrated with renewable energy resources.

The primary national gains expected from this research are increased fuel use efficiency, substitution of alternate fuels for conventional fuels, possible reduction in the so-called "greenhouse gases," and the potential for improving our national balance of trade through the export of fuel cell technology.

I wholeheartedly support the passage of S. 1294.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FUEL CELLS ENERGY UTILIZATION ACT

The Senate proceeded to consider the bill (S. 1295) to develop a national policy for the utilization of fuel cell technology, which had been reported from the Committee on Energy and Natural Resources, with an amendment:

On page 1, line 5, strike "1987", and insert "1988"

So as to make the bill read:

S. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Cells Energy Utilization Act of "1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) while the Federal Government has invested substantially in fuel cell technology through research and development during the past 10 years, there is no national policy for acting upon the findings of this research and development; and

(2) if such a national policy were developed, the public investment in fuel cell technology would be realized through reduced dependency on imported oil for energy and the consequent improvement in the internationl trade accounts of the United States.

SEC. 3. INCLUSION OF FUEL CELLS AS A FUEL CONSERVATION TECHNOLOGY UNDER REIDA.

Section 256 of the Energy Policy and Conservation Act is amended by inserting at the end thereof the following:

"(e) For purposes of this section, the term 'domestic renewable energy industry' shall include industries using fuel cell technology.".

SEC. 4. ENVIRONMENTAL PROTECTION AGENCY GUIDELINES FOR USE OF FUEL CELL TECHNOLOGIES.

Within 180 days of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall prepare Federal guidelines for cities and municipalities specifying environmental and safety standards for the use of fuel cell technology. In the preparation of the guideliens, the Administrator shall utilize the successful experience of the New York City Fire Department in the use of fuel cell technologies.

SEC. 5. DEPARTMENT OF COMMERCE INVESTIGATION OF EXPORT MARKET POTENTIAL FOR INTEGRATED FUEL CELL SYSTEMS.

Within 180 days of the date of enactment of this Act, the Secretary of Commerce shall assess and report to Congress concerning the export market potential for integrated systems of fuel cells with renewable power technologies.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the Fuel Cell Energy Utilization Act of 1988 (S. 1295).

The purpose of S. 1295, the Fuel Cell Energy Utilization Act of 1988, is to develop a national policy for the use of fuel cell technology. The goal of Federal research in fuel cells since the mid-1970's has been to develop an energy efficient technology with desirable characteristics for electric power production. Fuel cell research can be expected to increase fuel use efficiency, substitute alternate fuels for conventional fuels, and improve our national balance of trade through the export of fuel cell technology.

This legislation would expedite the acceptance of fuel cells into the commercial market worldwide by requiring Federal agencies specifically to recognie this technology through existing information channels. S. 1295 as reported by the Senate Energy and Natural Resources Committee would amend the Energy Policy and Conservation Act to include fuel cells as a domestic renewable energy industry for purposes of that act. The bill directs the Secretary of Commerce to assess and report to the Congress on the export market potential for integrated systems of fuel cells with renewable power technologies. Finally, the Director of the Environmental Protection Agency is directed to prepared environmental and safety guidelines for the use of fuel cells.

As the author of S. 1295 and a strong proponent of the development of fuel cell technology, I urge my colleagues to support this much needed legislation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. BYRD. Mr. President, I ask unanimous consent to proceed to the immediate consideration of Calendar Order No. 837.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2209) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities and research and program management, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the bill.

The Senate proceeded to consider the bill (S. 2209) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1989".

SEC. 2. There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1988:

(a) For "Research and development," for the following programs:

(1) Space station, $867,400,000;

(2) Space transportation capability development, $606,600,000;

(3) Physics and astronomy, $761,600,000;

(4) Life sciences, $91,700,000;

(5) Planetary exploration, $399,000,000;

(6) Space applications, $628,300,000;

(7) Technology utilization, $19,100,000;

(8) Commercial use of space, $38,800,000;

(9) Aeronautical research and technology, $404,200,000;

(10) Transatmospheric research and technology, $69,400,000;

(11) Space research and technology, $350,900,000, of which $8,000,000 is provided for implementation of the national space grant college and fellowship program established under Public Law 100-147 (101 Stat. 860);

(12) Safety, reliability and quality assurance, $22,400,000;

(13) Tracking and data advanced systems, $18,800,000;

(b) For "Space flight, control and data communications," for the following programs:

(1) Space shuttle production and operational capability, $1,335,500,000, of which $88,000,000 is provided for the advanced solid rocket motor program;

(2) Space transportation operations, $2,365,400,000, including such funds as may be necessary to ensure the availability of ammonium perchlorate for the production of solid rocket motors;

(3) Space and ground network, communications and data systems, $985,300,000.

(c) For "Construction of facilities," including land acquisition, as follows:

(1) Modifications to Processing Technology Facility for Space Station, Marshall Space Flight Center, $3,700,000;

(2) Construction of Addition for Space Systems Automated Integration and Assembly Facility, Johnson Space Center, $9,200,000;

(3) Replacement of High Pressure Gas Storage Vessels, National Space Technology Laboratory, $3,500,000;

(4) Increase Chiller Capacity, LC-39 Utility Annex, Kennedy Space Center, $2,300,000;

(5) Rehabilitation of PAD A, L-C 39, Kennedy Space Center, $4,600,000;

(6) Refurbish Atmospheric Reentry Materials and Structures Evaluation Facility, Johnson Space Center, $4,900,000;

(7) Modification for Advanced Engine Development, Test Stand 116, Marshall Space Flight Center, $13,500,000;

(8) Modifications to Orbiter Modification and Refurbishment Facility (OMRF) for Safing and Deservicing, Kennedy Space Center, $2,800,000;

(9) Modification to the X-Ray Calibration Facility (XRCF), Marshall Space Flight Center, $11,400,000;

(10) Construction of Auxiliary Chiller Facility, Johnson Space Center, $7,800,000;

(11) Modernization of Space Environment Simulator, Goddard Space Flight Center, $2,800,000;

(12) Modifications for Utility Reliability, Goddard Space Flight Center, $3,100,000;

(13) Refurbishment of 25-Foot Space Simulator, Jet Propulsion Laboratory, $12,000,000;

(14) Repair and Modifications of 12-Foot Pressure Wind Tunnel, Ames Research Center, $36,500,000;

(15) Rehabilitation and Modifications to 10×10 Supersonic Wind Tunnel, Lewis Research Center, $14,500,000;

(16) Refurbishment to Hypersonic Facilities Complex, Langley Research Center, $12,800,000;

(17) Refurbishment of Electric Power Laboratory, Lewis Research Center, $6,100,000;

(18) Construction of National Resource Protection at various locations, $2,600,000;

(19) Repair of facilities at various locations, not in excess of $750,000 per project, $27,000,000;

(20) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $34,000,000;

(21) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $9,000,000;

(22) Environmental compliance and restoration, $26,000,000; and

(23) Facility planning and design not otherwise provided for, $20,000,000.

Notwithstanding paragraphs (1) through (23), the total amount authorized by this subsection shall not exceed $260,100,000.

(d) For "Research and program management," $1,880,000,000;

(e) Notwithstanding the provisions of subsection (h), appropriations authorized in this Act for "Research and development" and "Space flight, control and data communications" may be used for (1) any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the President of the Senate and the Speaker of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development", for "Space flight, control and data communications", or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultation or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of $100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: Provided, That of the funds appropriated pursuant to subsection (a) or (b), not in excess of $500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 3. Authorization is granted whereby any of the amounts prescribed in paragraphs (1) through (23), of section 2(c) of this Act—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward 25 percent, to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed $260,100,000.

SEC. 4. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 2 (a) or (b) of this Act may be transferred to and merged with the "Construction of facilities" appropriation, and when so transferred, together with $10,000,000 of funds appropriated pursuant to section 2(c) of this Act (other than funds appropriated pursuant to paragraph (23) of such section) shall be available for expenditure to construct, expand, and modify laboratories and other installations at any location (including locations specified in section 2(c)), if (1) the Administrator determines that such action is necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) the Administrator determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of thirty days has passed after the Administrator or the Administrator's designee has transmitted to the President of the Senate and the Speaker of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report containing a full and complete statement concerning (A) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

SEC. 5. Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program—

(1) deleted by the Congress from requests as originally made either to the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) in excess of the amount actually authorized for that particular program by sections 2 (a), (b), and (d); and

(3) which has not been presented to either such Committee,

unless a period of thirty days has passed after the receipt by the President of the Senate and the Speaker of the House of Representatives and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 6. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 7. If, after evaluation of proposals received in response to the request for proposals for an advanced solid rocket motor required by section 121(b) of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100-147; 101 Stat. 868), the Administrator determines that it is in the best interests of the United States to select a proposal offering a privately financed and non-Government-owned production facility to be constructed on a Government or non-Government site, funds otherwise authorized in section 2(b) of this Act for the construction of a Government-owned production facility on a Government-owned site shall be available, without fiscal year limitation, for that purpose. In such event, the Administrator is authorized, notwithstanding any provision of law to the contrary, to provide for the payment for contingent liability in excess of available appropriations in the event the Government for its convenience terminates such contract, if any such contract limits the amount of the payments that the Federal Government is allowed to make under such contract to amounts to be provided in advance in appropriation Acts.

SEC. 8. Section 304 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following new subsection:

"(f) Under regulations to be prescribed by the Administrator and approved by the Attorney General of the United States, those officers and employees of the Administration and of its contractors and subcontractors authorized pursuant to subsection (e) to carry firearms may arrest a person without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that such person has committed or is committing such felony. Individuals granted authority to arrests by this subsection may exercise that authority only while guarding and protecting property of the United States under the administration and control of the Administration or one of its contractors or subcontractors.".

SEC. 9. The National Space Technology Laboratories of the National Aeronautics and Space Administration located in Bay St. Louis, Mississippi, is named and designated as the "John C. Stennis Space Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such center shall be held to be a reference to the "John C. Stennis Space Center".

SEC. 10. No civil space station authorized under section 2(a)(1) of this Act may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

SEC. 11. The Administrator, in coordination with the Secretary of Energy, for the purpose of outer solar system exploration, may request and receive such quantities of nuclear fuel as are necessary only for the specific mission, on terms and at costs as may be agreed upon. Nothing in this section authorizes the providing of such nuclear fuel on those terms for any other purpose or its diversion for any other use.

SEC. 12. It is the sense of the Senate that—

(1) the April 1987 Agreement between the United States of America and the Union of Soviet Socialist Republics concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes represents a meaningful approach to cooperative space activities between the United States and the Soviet Union;

(2) the Agreement presents a unique opportunity to establish a multilateral working group of space-faring nations, including the Union of Soviet Socialist Republics, to explore the technological and procedural principles necessary to effect a regime providing for assistance and rescue of personnel in space, and to ensure the effectiveness of such a regime, space-faring nations should consider compatible docking, communications, and life support systems;

(3) such an international regime, modeled after the successful Search and Rescue Satellite Program (SARSAT), would permit all space-faring nations to reiterate their commitments to the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space and would extend to incidents of distress in space the principles of rescue universally accepted with respect to incidents of distress at sea and in the air; and

(4) the President should promptly seek the establishment of a multilateral Space Rescue and Space Assistance Working Group to explore the creation of such an international regime and the development of compatible docking, communications, and life support systems to ensure the effectiveness of the regime.

SEC. 13. Section 24 of the Commercial Space Launch Act (49 App. U.S.C. 2623) is amended by adding at the end thereof the following: "There is authorized to be appropriated to the Secretary to carry out this Act $3,827,000 for fiscal year 1989.".

Mr. RIEGLE. Mr. President, today the Senate is considering the fiscal year 1989 NASA authorization bill, S. 2209. The measure provides our best estimate of the critical needs within the agency and of the Civilian Space Program, while recognizing the severe budgetary constraints that confront all programs of the Government.

Formulating this year's NASA authorization bill was not an easy task, and some very difficult decisions had to be made with respect to vital activities in the Space Program. No area of NASA was spared scrutiny, examination, debate, and discussion. The package that is before the committee represents a balance between ongoing NASA programs, such as the shuttle recovery effort, and new initiatives that will provide drive and impetus to the program in the future.

The President's request for fiscal year 1989 was $11.48 billion, 27 percent above the fiscal year 1988 NASA operating plan. I welcomed this request as an indication that the administration had finally realized that NASA as an agency, and the Space Program in general, have been suffering from terribly inadequate funding over the last 7 years. Clearly, a contributing factor in the *Challenger* tragedy, and in the subsequent difficulties at NASA, is the lack of consistent funding support from the Congress and from the administration.

But this increase was not the dramatic step forward proclaimed by the President and by the Administrator of NASA on the day of submission. Rather, it was a budget that would put NASA on the road to recovery—to begin to make them whole following years of neglect, with very little left for visionary programs. For example, approximately 77 percent of the President's proposed increase was devoted to ongoing programs, with the remainder to new starts. Analyses that we have had performed by the Congressional Budget Office and others show clearly that NASA will require upwards of $15 billion within 5 years simply to maintain the program that it has going today—that is almost a 50-percent increase, and I am frank to say that it will be virtually impossible to obtain that in the current budget climate.

The bill that is before us today authorizes $11.1 billion, a $400 million reduction from the President's request but still a 23-percent increase over the fiscal year 1988 operating plan. We made these reductions in light of a number of inescapable factors: First it was apparent that the Senate Appropriations Committee could not come near to the President's request due to the budget summit constraints and a constrained allocation. The fiscal year 1989 Senate-passed appropriation for NASA was $10.1 billion plus another $600 million was assumed to be transferred to NASA from available DOD funds. Second, the House-passed HUD-independent agencies appropriations bill funded NASA at $10.7 billion. Third, and, if the authorization committee were to retain a role in establishing funding priorities within NASA, we, as the Commerce Committee, should determine where reductions are made and how they are distributed. Those decisions cannot and should not be left solely to the Appropriations Committees.

I might note that since our committee's markup, the HUD-independent agencies appropriation's bills conferees provided $10.676 billion for NASA in fiscal year 1989 with $900 million earmarked for the Space Station Program. Senate action on this conference report is imminent.

Our bill provides all of the funding required in the Space Shuttle Program for the activities leading to a return to safe and reliable flight. This is, in my view, NASA's highest priority. Without the shuttle in flight status, we really don't have a Space Program; and without the means to get to space and return, most future programs will never be implemented. Thus, we give Admiral Truly and his people the resources necessary to finish the tests and prepare *Discovery* for flight.

The proposed legislation also authorizes the development of an ad-

vanced solid rocket motor and includes a provision that will permit NASA to pursue the option of building the advanced solid rocket motor in a Government-owned, company-operated facility or a company-owned, company-operated facility, depending on which option is selected in a competitive process. We need the advanced solid motor to enhance the safety, reliability, and performance of the space shuttle, and we fully support the effort that is now in progress to select a contractor to begin the development of this motor.

The Members of the Senate also should be aware that the rocket fuel plant in Henderson, NV, which was completely destroyed, has put the entire Space Program in a very serious position. There is only one plant remaining in the entire United States that produces this fuel for the Nation's military and civil space launch needs, for the commercial launch programs, and for the Ariane rocket. This one plant cannot produce near enough fuel for all of these needs. Thus, we have included general language in the bill which gives NASA the flexibility to address this problem in the fashion they deem appropriate.

The proposed legislation also provides continued support for the Expendable Launch Vehicle Acquisition Program at NASA. One of the lessons that emerged from the *Challenger* investigations was the tremendous need for a mixed fleet of space vehicles. We cannot allow ourselves to become dependent solely upon the shuttle, and our authorization will keep NASA moving in the right direction in this area.

The bill provides funds for the Advanced Communications Technology Satellite Program, which has been eliminated from the administration's request for at least 4 years running and funded by the Congress each year. This program has suffered some problems, and the launch has now been delayed until 1992, but it remains a priority to us in the subcommittee and a potential benefit of great magnitude to the Nation.

We fund two new starts, the Pathfinder Program and the advanced x-ray astrophysics facility [AXAF]—the third of the great observatories. While we would like to have avoided reductions in the Pathfinder Program, we still feel that sufficient resources are remaining to initiate this program and the development of future space technologies that will permit missions to the outer planets or establishment of a lunar base.

Senator BENTSEN and other Senators who have supported the Space Grant College and Fellowship Program will be pleased to know that the bill includes $8 million for this program, which will begin to restore our space engineering and science base.

The bill also continues full funding for the Wind Tunnel Revitalization and Repair Program that was begun last year. Our aeronautical research and development infrastructure is in a state of disrepair and is far too important to neglect any longer. So, we are underway in addressing and correcting this problem so that the United States can maintain its leadership position and continue to benefit from a favorable balance of trade in aerospace.

Mr. President, I have deliberately waited to mention this last item since it is something that we should all take a moment to discuss and to consider—the space station. This program is by all accounts in very serious difficulty. We provide $867 million in this bill to begin the construction of the space station hardware, but it is still questionable whether we can obtain the future levels of funding required to implement the program.

This is the simple fact. In order to maintain the current schedule which would deploy the space station in 1996, we need close to $900 million in fiscal year 1989 and almost $2 billion in 1990. We cannot fudge anymore; the time for real money and real decisions is here. I might add at this point that the Senate Appropriations Committee efforts in attempting to address this problem have been inspiring. I acknowledge their efforts and will continue to work with them to implement this program. But we must all be on notice that the most recent fix is a 1-year solution. The Space Station Program, if it is to survive and succeed, will require our attention each year of its life.

I know many of you have heard this before, about this and other programs throughout the Government. But, several factors must be weighed in our calculations here: First, the Soviet Union does have and will continue to have a permanently manned facility in orbit. Competition with the Soviets is not the entire rationale for going forward with the Space Station Program, but if we don't, there will be absolutely no free world space station for many years to come. Second, our allies and partners in the Space Station Program, all of whom are now onboard, have concurred in the terms of the intergovernmental agreement and have made tremendous financial commitments to the space station. Japan and Europe are both constructing modules for the station; Europe is building a man-tended platform in conjunction with the space station; and Canada is developing the mechanical arm. All have made investments based upon the assurances of our Government and the actions of the Congress, and yet we stand a real possibility of killing the program. Clearly, the implications of a decision of this nature would be severe. Finally, if we are to exploit space commercially in the future or wish to continue exploration to the planets, return to the moon, aggressively study the Earth, whatever, all these efforts depend in some way or form on the space station.

So, while we do authorize sufficient funds to continue the Space Station Program, the final decision won't be made for some time. But, we must all be aware of the consequences of our acts and make these decisions in full knowledge of the consequences.

I urge all my colleagues to join in supporting S. 2209, the fiscal year 1989 NASA authorization bill.

Mr. President, let me say that I am most pleased with the support and cooperation given the bill by the ranking member of the full committee, Senator DANFORTH; the ranking member of the Science, Technology, and Space Subcommittee, Senator PRESSLER; and the chairman of the full committee, Senator HOLLINGS. The Nation's Space Program has a broad base of bipartisan support, and it is a pleasure for me to have the opportunity to work with these Senators and the members of the subcommittee in formulating the NASA authorization bill.

Mr. President, at this time, I would ask unanimous consent that a table outlining the committee's actions, a summary of the bill's major provisions, and a section-by-section analysis be printed in the RECORD.

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

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—NASA BUDGET SPREAD SHEET FOR FISCAL YEAR 1989

[In millions of dollars]

	Fiscal 1989 request	Proposed fiscal year 1989 Senate authorization	Comments
I. Research and Development	4,446.7	4,278.2	
1. Space station	967.4	867.4	−100 general reduction.
2. Space transportation capability development	631.1	606.6	−25 general reduction.
Spacelab	80.4		

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—NASA BUDGET SPREAD SHEET FOR FISCAL YEAR 1989—Continued

[In millions of dollars]

	Fiscal 1989 request	Proposed fiscal year 1989 Senate authorization	Comments
Upper stages	146.2	153.2	+7.0 ACTS upper stages.
Engineering and technology base	158.9		
Payload ops and support equipment	67.3		
Advanced programs	45.0		
Advanced launch systems	13.0	6.5	−6.5 general reduction.
Tethered satellite system	23.8		
Orbital maneuvering vehicle	96.5		
3. Space science	1,297.3	1,252.3	
A. Physics and astronomy	791.6	761.6	− general reduction.
Hubble space telescope dev	102.2		
Gamma ray observatory dev	41.9		
Global geospace science	101.4	76.4	−25 rephase start of prgm.
Advanced x-ray astrophysics fac	27.0		
Payload and instrument dev	77.01		
Shuttle spacelab payload mgt	61.5		
Sp. station integrated planning and attached payloads	8.0		
Explorer development	82.1		
Mission operation and data analysis	156.2		
Research and analysis	89.1		
Suborbital program	45.1		
B. Life sciences	101.7	91.7	−4.4 SETI/microwave 5.6 general reduction.
C. Planetary exploration	404.0	399.0	−5.0 general reduction.
Galileo development	61.3		
Magellan	33.9		
Ulysses	10.3		
Mars observer	102.2		
Mission Ops and data analysis	112.7		
Research and analysis	83.6		
4. Space applications	562.3	628.3	−10 general reduction.
A. Solid Earth observations	82.1		
Shuttle/spacelab payloads	25.3		
Geodynamics	33.9		
Research and analysis	22.9		
B. Environmental observations	368.3		
Applied research, data analysis and related activities	108.1		
Payload and instrument dev	19.7		
Scatterometer	15.8		
Upper Atmos. Res. Satellite [UARS]	103.9		
Ocean Topography Experiment [TOPEX]	97.8		
Airborne science and applications	23.0		
C. Materials processing in space	73.4		
D. Communications	16.2	92.2	+76 for ACTS.
E. Information systems	22.3		
5. Commercial programs	57.9	57.9	
Technology utilization	19.1		
Commercial use of space	38.8		
6. Aeronautical research and technology	414.2	404.2	−10 general reduction.
Research and technology base	314.2		
Systems technology programs	100.0		
7. Transatmospheric research and technology	84.4	69.4	− general reduction.
8. Space research and technology	390.9	350.9	−40 reduction to Pathfinder—assumes $20m for SP−100. +Space Grant College. −8 Equipment augmentation.
9. Safety reliability and quality assurance	22.4	22.4	
10. Tracking and data advanced systems	18.8	18.8	
II. Space Flight Control and Data Communications	4,841.2	4,686.2	
1. Space shuttle productions/operations capability	1,400.5	1,335.5	
Orbiter operational capability	320.0	280.0	−40 structural spares.
Launch and mission support	343.7		
Propulsion systems	711.8		
Changes and systems upgrading	25.0	0	−25 discretionary funds.
2. Space transportation operations	2,405.4	2,365.4	
Flight operations	660.1		
Flight hardware	1,035.2		
Launch and landing operations	514.6		
Expendable launch vehicles	195.5	155.5	−25 general reduction. −15 reduction to second Titan III.
3. Space tracking and data acquisition	1,035.3	985.3	−general reduction.
Space network	538.9		
Ground network	248.1		
Communications and data systems	248.3		
III. Construction of Facilities	285.1	260.1	−15 for KSC Space Station Processing Fac.
IV. Research and Program Management	1,915.0	1,880.0	−35 general reduction.
Total NASA	11,488.0	11,104.5	

SUMMARY OF MAJOR PROVISIONS

For FY 1989, the Committee would authorize $11,104,500,000 for NASA and $3,827,000 for the Office of Commercial Space Transportation. Of the amount authorized for NASA, $4,278,200,000 is authorized for research and development, including $8,000,000 to implement the National Space Grant College and Fellowship Program, and $4,686,200,000 for Space Flight Control and Data Communications. In addition, $260,100,000 is authorized for Construction of Facilities, and $1,880,000,000 for Research and Program Management.

The Committee provides $867,400,000 for the space station program. This is $100,000,000 below the President's FY 1989 budget request, but will be sufficient to begin actual construction of the hardware elements of the space station in earnest. The Committee continues to support strongly the space station program and reduced the FY 1989 request as a means to distribute necessary budget reductions in an equitable fashion.

The Space Transportation Capability Development budget of $606,000,000 is $24,500,000 below the President's FY 1989 budget request. Nevertheless, this level of funding will fully support the Orbiting Maneuvering Vehicle, preliminary activities for the Extended Duration Orbiter (EDO), definition activities for the Crew Emergency Escape Vehicle (CERV), and Spacelab activities. The proposed $7 million augmentation for upper stages will permit NASA to continue procurement of an upper stage for the Advanced Communications Technology Satellite (ACTS) which is scheduled for launch in 1992.

The Committee authorizes $1,252,300,000 for Space Science activities—Physics and Astronomy, Life Sciences and Planetary Exploration—which is a $242,800,000 increase over the FY 1988 NASA operating plan. The $761,600,000 provided by the Committee for Physics and Astronomy will allow continued development of the Hubble Space Telephone, scheduled for deployment in November 1989, as well as continued funding for the Gamma Ray Observatory, scheduled for

launch in March 1990. Although the Committee continues to support the Global Geospace Science effort, it recommends a rephasing of the program to obtain $25,000,000 savings in FY 1989.

Of major interest to the Committee in the Physics and Astronomy account are the initiation of a new start for the development of the next great observatory, the Advanced X-Ray Astrophysics Facility (AXAF), the continued expansion of the Explorer Development program, and a continuing emphasis on the Suborbital flight program, all of which are provided for in this authorization.

The Committee has provided $399,000,000 for the Planetary Exploration program. This level of funding will support the launch of the Magellan satellite to Venus in April 1989, the launch of the Galileo mission to Jupiter in November 1989, and activities leading to the launch of the Ulysses mission in October 1990. It will also support the continued development of the Mars Observer, which is scheduled for launch in 1992.

The Committee authorizes $91,700,000 for the Life Sciences programs, which is $10,000,000 below the President's FY 1989 budget request, but a significant increase over the FY 1988 operating plan.

The Committee authorizes $628,300,000 for Space Applications programs, which is $66,000,000 above the President's request. This increase consists of a general reduction in programs of $10,000,000, and a $76,000,000 increase for the Advanced Communications Technology Satellite (ACTS) which is scheduled for launch in 1992. The Committee authorizes $73,400,000 in FY 1989 for Materials Processing in Space activities including the continued development of flight hardware. Other programs and activities, such as Solid Earth Observations, the Upper Atmosphere Research Satellite (UARS), Scatterometer, and the Ocean Topography Experiment (TOPEX) satellite are supported strongly by the Committee.

The Committee authorizes $57,900,000 for NASA commercial programs, which is consistent with the President's request.

In Aeronautical Research and Technology, the Committee has authorized $404,200,000, which is $10,000,000 below the Administration's FY 1989 request. This is, however, $69,400,000 above the FY 1988 operating plan, and reflects the Committee's view of the importance of these activities to the nation's economic health. Transatmospheric Research and Technology is authorized at $69,400,000, which is $15,000,000 below the President's FY 1989 budget request. Despite this reduction, the Committee continues to support this focused technology development program with NASA participation.

The Committee has made a $40,000,000 reduction in the proposed Pathfinder program, which is a new start candidate within the Space Research and Technology programs. Thus the Committee provides $350,900,000 for these activities, as opposed to the request of $390,900,000. This will, however, provide full funding for the Civilian Space Technology Initiative (CSTI), and $8,000,000 for implementation of the Space Grant Colleges and Fellowship program pursuant to an agreement with Dr. Fletcher. Another program of importance in this area, strongly endorsed by the Committee, is the Engineering Research Center program. This program is fully funded at $16,300,000, and will continue support to the nine universities selected in FY 1988, as well as establishing additional centers in FY 1989. The aim of this program is to expand the nation's space technology base by using the vast resource base of the Nation's universities.

In recognition of the importance of safety and reliability to the entire civil space program, the Committee authorizes $22,400,000 for the Safety, Reliability and Quality Assurance program. This level of funding is the same as the administration's FY 1989 budget request and is $6,300,000 higher than the FY 1988 operating plan. The Committee also authorizes $18,800,000 for Tracking and Data Advanced Systems programs, which is identical to the President's request.

The total Research and Development budget for FY 1988 is $4,278,200,000, compared with a budget request of $4,446,700,000 and a FY operating plan of $3,294,500,000.

For Space Flight, Control and Data Communications for FY 1989, the Committee authorizes $4,686,200,000, compared to the President's budget request of $4,841,200,000 and a FY 1988 operating plan of $3,810,700,000. Of this amount, $1,335,500,000 is for Space Shuttle Productions and Operations Capability, $2,365,400,000 is for Space Transportation Operations, and $985,300,000 is for Space Tracking and Data Acquisition.

In formulating the Space Flight budget, the Committee felt strongly that no reductions could be made in any accounts which would affect the operations of the space shuttle, the proposed test program, or any anomaly resolution activities. Return of a safe, reliable space shuttle to flight status continues to be one of the highest priorities within the space program.

The President requested $1,400,500,000 for Space Shuttle Productions and Operations Capability in FY 1989. The Committee has reduced this request by $65,000,000—$40,000,000 in the structural spares program, and $25,000,000 in systems changes and upgrading—for a total authorization of $1,335,500,000. Despite these reductions, this account is still $247,200,000 above the FY 1988 operating plan.

The Committee authorizes $2,365,400,000 for Space Transportation Operations, which is $40,000,000 below the President's FY 1989 budget request. The entire $40,000,000 reduction will be applied to the expendable launch vehicle account. It represents a reduction of $15,000,000 for purchase of a second Titan III vehicle and a general reduction of $25,000,000. Despite these actions, the Committee continues to hold the position that it is essential for NASA to maintain a mixed fleet of launch vehicles. The Committee, therefore, provides $155,500,000 for the acquisition of expendable launch vehicles, an increase of $130,000,000 over the current operating plan, despite the severe budgetary constraints.

The Committee authorizes $985,300,000 for Space Tracking and Data Acquisition, which is $50,000,000 below the President's request. The Committee directs NASA to apply these general reductions in the most efficient manner without jeopardizing the integrity of the overall program. NASA must determine the relative costs and benefits of programs such as the Second Tracing Data Relay Satellite (TDRS) ground station and a replacement TDRS satellite.

In FY 1989, the Committee authorizes $260,100,000 for the Construction of Facilities programs. This is a $25,000,000 reduction from the FY 1989 budget request of the President. These reductions would occur at the Kennedy Space Center Space Station Processing Facility and in other general areas. The Committee continues to follow closely the wind tunnel modernization and rehabilitation program that was begun last year, and fully authorizes the requested amounts in FY 1989.

Funding in the Research and Program Management account is authorized at $1,880,000,000 in FY 1989, which is a general reduction of $35,000,000 from the budget request. The Committee expects, however, that NASA will still increase its civil service employee base by 525 positions in FY 1989.

The total authorization for NASA in FY 1989 is $11,104,500,000, compared with $11,488,000,000 requested by the President, and $9,026,500,000 in the FY 1988 operating plan.

The Committee has also included $3,870,000 in the reported bill for the operations of DOT's Office of Commercial Space Transportation.

SECTION-BY-SECTION ANALYSIS

SECTION 1

The short title of this bill is the "National Aeronautics and Space Administration Authorization Act, 1989".

SECTION 2

This section authorizes $11,104,500,000 for NASA in FY 1989.

These monies are distributed to four appropriations accounts:

1. *Research and Development.*—$4,278,000,000 for space station, space science and applications, space transportation capability development, commercial programs, aeronautical research and technology, transatmospheric research and technology, and space research and technology.

The major assumptions in this area are funding of $867,400,000 and a strong endorsement for the space station in FY 1988, restoration of funding for the Advanced Communications Technology Satellite program, initiation of a new space technology initiative—Pathfinder—but at a reduced level of funding, approval of a "new start" for the Advanced X-Ray Astrophysics Facility, and funding of the Space Grant College and Fellowship Program.

2. *Space Flight, Control and Data Communications.*—$4,686,200,000 for space shuttle production and operations capability, space transportation operations, space tracking and data acquisition, and expendable launch vehicle (ELV) operations.

The major assumptions in this account are deferral of funding for the structural spares program for a fifth orbiter, endorsement of a new start for the advanced solid rocket motor program, augmentation of the current ELV procurement program at NASA, and full support of the space shuttle operations budget request and anomaly resolution activities to facilitate the return of a safe, reliable shuttle to flight status.

3. *Construction of Facilities.*—$260,100,000 for a variety of repair, rehabilitation, and new construction activities required for a robust civilian space program.

The major assumptions in this account are that some space station facilities can be delayed because of program delays and that the repair of certain wind tunnel facilities at the NASA Ames, Lewis, and Langley Research Centers is of the highest priority. These tunnels are critical to both civil and military aircraft development.

4. *Research and Program Management.*—$1,880,000,000 for all civil service staff, maintenance of facilities and support of research and development programs and contract activities, and technical and administrative support of research and development programs.

The major assumption in this account is that NASA will increase the civil service employee base by 525 new slots, primarily for space transportation activities.

SECTIONS 3, 4, AND 5

These sections establish strict parameters for the Administrator of NASA concerning the amount of flexibility he or she has with construction of facilities activities, the transfer of funds from one account to another, and the use of funds for activities not approved by the Committee. These provisions are included in the NASA Authorization bill each and every year.

SECTION 6

This section instructs NASA to distribute its research and development funds on a geographical basis where possible. The Committee annually legislates this requirement and believes it is in the national interest.

SECTION 7

This section gives NASA the authority to permit the funds provided in section 2(b)(1) of this bill for the construction of a Government-owned, company-operated advanced solid rocket motor facility to be used for a company-owned, company-operated facility if NASA determines that the latter is in the national interest and is in the best interest of a safe, reliable space shuttle program. At present, the proposed request for proposal for the advanced solid rocket motor program requires all contractors to bid for (1) a Government-owned, company-operated facility and (2) a privately financed facility, both of which would be on a tentative Government site. Bidders also would have a third option of proposing a privately financed facility at the site of the offerer's choice.

NASA lacks the legal authority to enter into a contractual agreement for option 2 (privately-financed facility at Government site) or option 3 (privately-financed facility at site chosen by offerer). This section gives NASA that authority.

SECTION 8

Presently, subsection 304(e) of the National Aeronautics and Space Act of 1958 provides the authority for certain NASA personnel, as well as certain employees of contractors and subcontractors, to carry firearms in the fulfillment of their official duties.

This amendment to section 304 of the NASA Space Act, specifically a new subsection (f), would provide the authority to arrest without warrant to NASA employees designated by the Administrator as well as those contractor and subcontractor personnel carrying out their official duties while guarding and protecting property of the United States under the administration and control of NASA or its contractors or subcontractors.

Subsection (e) and new subsection (f) when read together would allow certain NASA personnel as well as certain subcontractor and contractor personnel to make an arrest for the violation of Federal and, in some instances, State laws occurring on NASA property or involving property owned by or in the custody of NASA if the person has reason to believe that the person to be arrested has committed or is committing a felony. Security personnel shall use the minimum degree of force, including firearms, necessary to effectuate the arrest.

NASA shall develop regulations to be approved by the Administrator and the Attorney General before this authority is exercised.

The authority is consistent with that granted to DOE pursuant to 42 U.S.C. 2201(k).

SECTION 9

This section requires that the National Space Technology Laboratories of NASA, located in Bay St. Louis, MS, is named and designated "John C. Stennis Space Center."

This is a just and fitting tribute to the retiring Senate Pro Tempore and the distinguished Chairman of the Senate Appropriations Committee. This tribute is strongly endorsed by NASA and the White House.

SECTION 10

This section reiterates the Committee position that the space station may be used only for peaceful purposes. This language is consistent with existing U.S. treaty obligations (the Outer Space Treaty) and current law—P.L. 99-170. This language permits DOD research and development activities on the space station.

SECTION 11

This section gives the Administrator of NASA the authority to obtain nuclear fuel from DOE for outer solar system exploration on terms and at costs that may be agreed upon.

SECTION 12

This section expresses the Sense of the Senate that the President should establish a multilateral Space Rescue and Space Assistance Working Group to explore the creation of an international space rescue regime and the development of compatible docking, communications, and life support systems to support the effectiveness of this regime.

Such a regime would permit all spacefaring nations to reiterate their commitments to the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space and would extend to incidents of distress in space the principles of rescue universally accepted with respect to incidents of distress at sea and in the air.

SECTION 13

This section authorizes $3,827,000 for FY 1989 for the OCSP in DOT. This Office oversees the regulation and licensing of commercial ELV activities and was established by this Committee pursuant to P.L. 98-575—the Commercial Space Launch Act. The level authorized is the Administration's request.

Mr. HOLLINGS. Mr. President, I join Senator RIEGLE in his remarks concerning the fiscal year 1989 NASA authorization bill, S. 2209. He has summarized the major provisions of this legislation and is to be complimented for the diligence with which he pursued the development of this bill under very difficult budgetary circumstances.

There are several areas that I would like to mention to my colleagues here concerning NASA and the general shape of the civil space program.

First, there is simply no understatement of the difficult condition that the civil space program is in today. The $11.1 billion provided in the fiscal year 1989 NASA authorization bill simply permits NASA to recover from the declines that it has suffered over the last 7 years. It leaves very little room for new initiatives or bold steps forward. To better understand the current budget situation as regards the civil space program, I recommend that everyone read the recent CBO report, "The NASA Program in the 1990's and Beyond."

Mr. President, the reason we find ourselves with an authorization bill that is far less than the President's request is because the Members on the Commerce Committee realized that there was little sense writing a bill that contained authorizations for which no appropriations would ever be obtained. The committee realized that congressional budget priorities did not mirror the White House priorities and that the proposed 29 percent budget increase for NASA was highly unlikely. When the committee marked up the NASA bill on May 24, it was clear from the allocations granted to the Senate Appropriations Subcommittee, the results of the budget resolution deliberation, as well as the constraints of the 1987 budget summit agreement and the impending House Appropriations Committee actions, that we had to tailor our bill to expectations below those of the President, which we have. If reductions were required, the Authorization Committee was willing to identify areas where these reductions could be made and to help prioritize spending for the civil space program.

In the weeks following our committee action, the appropriation's picture has been clarified in the Senate, and our initial concerns have been justified. While some very fancy maneuvers have been taken to fund the space station sufficiently in the Senate, the fight has not concluded, and NASA's budget and the space station program still face serious difficulty.

Second, we are facing a number of very serious and fundamental decisions with regard to the Civil Space Program. If we want to pursue goals such as the space station, as well as think in realistic terms about future initiatives, we must provide the sustained funding now and in the future to achieve those goals. We have basic needs within NASA simply to rebuild the space transportation infrastructure and get the orbiter flying again, to build advanced solid rocket motors and purchase expendable launch vehicles, to rebuild and expand our aeronautics and space technology base and restore our Space Science and Applications Program, and to rebuild the NASA infrastructure and adequately compensate our talented civil servants. All of us must realize that these basic needs plus the cost of the many awe-inspiring initiatives being proposed will require additional resources. Some

people argue we can't afford these increases for our Civil Space Program. I would argue that we can't afford not to provide these increases unless we want to lose the Nation's share of an emerging world space market of incredible value. The Nation's economic and national security are directly tied to the Space Program, and we must establish and recognize the Space Program as a budget priority. We must also realize that policies require implementation plans and that the latter requires more pragmatism than the former. There is a need for all of us to decide what the goals of the Civil Space Program are and what policies and implementation plans are required to implement these goals. For the past few years, there has been too much confusion over what we've been trying to do and the best way to do it. This is especially true with space commercialization initiatives. We must all work to resolve this issue and the confusion and to get on with implementing a well-defined program with broadly supported goals.

Third, I have been in a continuing discussion on behalf of the Senate Commerce Committee with several administration officials about the commercially developed space facility [CDSF], which is the centerpiece of the President's new commercial space policy. I have repeatedly expressed grave reservations, in private, about this project and the proposed release of a request for proposal to obtain financial data from proposed bidders, despite the lack of any authorization for this project. Given the severe budgetary constraints that exist and the need for an independent assessment of the requirements for this, or any other facility to implement the materials processing program, I see no reason to begin this program now. Once the studies have been conducted and the fate of the space station decided, the committee will reassess this proposal.

I realize how difficult it is for people to accept the current fiscal realities, but we simply can't have everything that we want in the space program or anywhere else in Government. Tough choices have to be made and priorities set. In light of this fact, I cannot understand how this administration can focus the time, effort and attention of its top officials to try and preserve the CDSF Program, while the space station, the ultimate cornerstone of our Space Program for the next three decades, is allowed to linger close to death and the NASA budget is pared down because of very real budget constraints. Therefore, I would like to reiterate that the committee will oppose any effort to release the RFP for the CDSF prior to the issuance of the National Academy of Sciences report requested by the Senate Commerce Committee on April 28, 1988, and the authorization of this program. That is the committee's position, and the position we will support in conference with the House.

Fourth, the NASA authorization bill does address in a direct fashion some of NASA's most pressing needs. It provides funding for an Advanced Solid Rocket Motor Program—clearly one of the basic requirements for the space shuttle system and for construction of the space station. It provides the funds necessary for the return of the space shuttle to flight status—NASA's highest priority—as well as provides a level of funding necessary to continue the procurement of expendable launch vehicles or services by NASA. That moves us closer toward the goal of a mixed fleet and away from dependence on the shuttle for all space transportation.

The bill also makes allowance for new starts, such as the Advanced X-Ray Astrophysics Program [AXAF] and the Pathfinder Program. AXAF is the third great observatory to be approved by the committee, and Pathfinder represents another effort in restoring NASA's technology base.

Despite the pleas, we currently don't have the ability to make "pie in the sky" commitments to a manned Mars mission or a lunar base. We have yet to orbit the shuttle again, and we aren't out of the woods on the space station funding. Right now we need to concentrate on rebuilding a strong base within NASA, a base that will carry the space program into the next century.

Finally, I would like all of my colleagues to take notice of the fact that we are not alone in the space race. The Russians have a permanently manned space station orbiting the planet Earth every 90 minutes. The Europeans, Canadians, and Japanese are joining us in the space station program, but Europe and Japan are also proceeding with vigorous space programs of their own. The competition for launching of satellites is from the West—the European Space Agency with its Ariane launch vehicle—and the East—China with its Long March vehicle and Japan who is developing a new and powerful commercial booster.

Just as we did in 1958, we once again face the question whether we should be in space and spend the funds necessary to make our presence a permanent reality. Hopefully, in 1988 we will all come to the same conclusion as we did then, the conclusion that we cannot afford not to be there, not to take advantage of the investment that we as a nation have made in the last thirty years, and not to maintain U.S. technological leadership in space.

Mr. President, I urge all of my colleagues to support this measure, to support the civil space program, and to support the development of a permanently manned space station in cooperation with our allies.

AMENDMENT NO. 2827

(Purpose: To provide authority for the lease of certain property and the making of certain agreements related to the construction and operation of an aerospace institute in Ohio)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senators GLENN and METZENBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for Mr. GLENN (for himself and Mr. METZENBAUM) proposes an amendment numbered 2827.

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

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

The amendment is as follows:

At the end, add the following new section:

SEC. 14. (a) The Administrator may, without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), and on such terms as the Administrator may deem to be appropriate, lease, for a term not to exceed 99 years, real property located at the Lewis Research Center in Cuyahoga County, to the State of Ohio, or a subdivision or agent thereof, or to a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, for the purpose of the construction and operation thereon of an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors. This lease shall be renewable for additional periods in the discretion of the Administrator.

(b) Subject to the availability of appropriations therefor, the Administrator may enter into agreements, on such terms as the Administrator may deem to be appropriate, with the State of Ohio, or a subdivision or agent thereof, or with a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, pursuant to which the Administration may provide administrative, maintenance, instructional, and other appropriate support, with or without reimbursement, to an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors.

(c) The Administrator may redelegate the authority conferred in subsections (a) and (b), to such subordinate officers and employees as the Administrator may designate.

Mr. GLENN. Mr. President, the amendment that I am proposing to the fiscal year 1989 NASA authoriza-

tion bill would permit the Administrator of NASA to lease property at the Lewis Research Center to the Ohio Aerospace Institute and to provide such administrative, instructional, and maintenance support to the institute as he sees appropriate.

Mr. President, the Ohio Aerospace Institute is currently being formed in Ohio for the continued enhancement and visibility of the regional scientific and engineering capabilities in support of the Nation's aerospace program. This institute, which has received letters of support from six universities in Ohio, will be located at the NASA Lewis facility and will provide, in concert with Ohio universities, the research and graduate-level education necessary to assure a highly trained work force. It will also provide an enhanced opportunity for regional industry to take part in research and development and to apply the resulting high level of technology to their own work.

We all know that a very critical element in the Nation's future success in technology depends on education. The institute will provide the opportunity, facilities, and an environment to retain and attract highly talented researchers, professors, and students to the institute, Ohio universities, and the associated industrial infrastructure.

The institute has already been appropriated $500,000 from the Ohio State capital budget, and the Board of Regents is forming the Institute Policy and Planning Committee with the presidents and provosts of the universities, the NASA Lewis Director, Ohio State political officials, and others. I am asking that you help the institute off the ground by including language in S. 2209, the NASA authorization bill, that would allow the Administrator of NASA to lease property to the Ohio Aerospace Institute and to provide such administrative, instructional and maintenance support to the institute as he sees appropriate.

Mr. RIEGLE. The Subcommittee has reviewed the amendment being proposed by the distinguished Senators from Ohio and is pleased to accept this amendment. I also would like to note that NASA and the House Science, Space, and Technology Committee both strongly endorse this proposal.

Mr. President, the Senator from Ohio has worked long and hard promoting science and engineering education in the United States in order to make the United States more competitive in world markets. I applaud the Senator for his efforts and for those of his State and look forward to working with the Senator from Ohio in the future on similar issues.

Mr. PRESSLER. I join the distinguished member of the Subcommittee in his remarks and am pleased to accept this amendment on behalf of the minority.

Mr. GLENN. I would like to thank the distinguished chairman and ranking member of the subcommittee on behalf of myself and Senator METZENBAUM, and I would like to compliment them for the fine work they have done in support of our Nation's space program.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of Senator GLENN and Senator METZENBAUM.

The amendment (No. 2827) was agreed to.

Mr. FOWLER. Mr. President, I would like to address a question to the distinguished chairman of the Subcommittee on Science, Technology, and Space, the gentleman from Michigan. I notice in the committee report that "the committee is hopeful that the fiscal year 1990 NASA budget request will contain a new start request for the Comet Rendezvous Asteroid Flyby/Cassini mission and that the final approved budget will be able to accommodate these two missions critical to the leadership position of the U.S. planetary science program." Would the gentleman elaborate on this point?

Mr. RIEGLE. Yes. The Senator from Georgia has correctly stated the committee position. The CRAF/Cassini mission is NASA's highest priority space science initiative which has not yet received a new start, and the committee believes such a request should be included in the fiscal year 1990 NASA budget request.

Mr. FOWLER. I thank the Senator and would like to make one additional inquiry. The House of Representatives included in its fiscal year 1989 NASA authorization bill a mandate for NASA to proceed with a new start for CRAF/Cassini as the next major mission start after the Advanced X-Ray Astrophysics Facility [AXAF]. Does the gentleman anticipate that the conference agreement will affirm the Commerce, Science, and Transportation Committee's support for a fiscal year 1990 new start for CRAF/Cassini?

Mr. RIEGLE. Yes, that would be my expectation.

Mr. FOWLER. I thank the gentleman, and I commend him and the committee for their leadership role in promoting a strong and balanced American space science program. At this point, I would like to insert in the RECORD a statement in support of prompt initiation of the CRAF/Cassini mission.

The U.S. space science program has produced great benefits to American taxpayers and to the people of the world at little cost, at least as related to other Federal expenditures. However, declining space science budgets in the seventies and early eighties, the increasing costs of cutting edge missons, and the *Challenger* disaster have combined to impede American progress in space science. Congressional support for such missons as the Hubble Space Telescope, the Magellan mission to Venus, and the Ulysses mission to study the Sun has revitalized the American program, and when they and other projects are launched, we will have reasserted our international leadership in the field. To keep up that momentum will require a continuing commitment to a balanced NASA program in which space science receives an equitable share.

To further the goal of insuring both a balanced American space program and a leadership role for American space science, I strongly support the prompt initiation of the combined Comet Rendezvous Asteroid Flyby [CRAF] and Cassini mission to the Saturn system. My reasons for advocating this course are as follows:

First, the CRAF/Cassini missions are the next priority space science projects in NASA plans and offer substantial and unique scientific benefits in understanding the origin and evolution of the solar system by initiating intensive American study of the primitive, volatile-rich bodies in the outer solar system.

Second, CRAF/Cassini will be the initial projects in the new Mariner Mark II series of spacecraft recommended by NASA's Solar System Exploration Committee to be the next generation of focused, cost-effective missions to the outer solar system. Furthermore, by combining CRAF and Cassini into a joint development program, significant economies are possible. I am told that each mission, if pursued separately, would have a total cost of approximately $1 billion, while the joint program would have a total cost of $1.5 billion, thus representing a 25-percent savings.

Third, the CRAF/Cassini program is ready to proceed. The announcement of opportunity for participation in CRAF was issued in July 1985, proposals were submitted in November 1985, and the scientific investigations were selected in October 1986. Advanced development of most of CRAF's scientific instruments and of the Mariner Mark II spacecraft has been under way for a number of years; and as you will remember, CRAF has been a serious candidate for a new start for at least the last 3 years.

Fourth, some kind of affirmative action this year on the Cassini mission is especially important. Cassini is proposed as a joint mission between NASA and the European Space Agency [ESA] and represents a further step in the direction of effective international cooperation. This November, ESA will be selecting one new space science project for its next 3-

year cycle, and from the reports I have received, Cassini is currently the leading candidate from among five proposals. A strong American commitment to Cassini by this Congress would certainly be useful to NASA in its negotiations with ESA.

Mr. CHILES. Would the distinguished chairman of the subcommittee yield for a question concerning the intent of section 7 of the NASA authorization bill?

Mr. RIEGLE. I would be glad to yield to the distinguished chairman of the Senate Budget Committee for a question.

Mr. CHILES. Am I correct to assume that section 7 is included in S. 2209 in case the Administrator of NASA decides to permit private sector financing of the advanced solid rocket motor program?

Mr. RIEGLE. The Senator is correct. Currently NASA is preparing a request for proposal [RFP] for an advanced solid rocket motor program. This RFP will include the option of private sector financing. If this option is selected, the Administrator of NASA will require the authority to provide for the payment for contingent liability in excess of available appropriations in the event the Government terminates such contract for its convenience. This authority is similar to the authority granted NASA in last year's NASA authorization bill, Public Law 100-146, for the purchase of commercial launch services.

Mr. CHILES. Does this mean that the Administrator of NASA can use the funds provided in advance in other NASA appropriations accounts to pay for this contingent liability if there is not enough money in the advanced solid rocket motor program account?

Mr. RIEGLE. Yes. However, in no case, may the Administrator of NASA provide funds in excess of the total amount of funding provided to NASA in its appropriations bill. If a situation were to occur where the payment of the contingent liability would exceed NASA's total appropriations, the Administrator of NASA would be required to obtain supplemental funding before he could pay the contingent liability. This provision, therefore, does not constitute back door spending.

I realize this language is unique; and, as a member of the Senate Budget Committee, I understand the Senator's concern. The Senator can rest assured that I will continue to work with him on this matter.

Mr. CHILES. I thank the Senator for that clarification. Based on the clarification that the contingent liability will in no event exceed NASA's total appropriations level and the Senator's commitment to continue to work with the Senate Budget Committee as this bill progresses during the conference with the House bill, I have no objection with this provision.

Mr. RIEGLE. I thank the chairman of the Budget Committee for his cooperation on this matter.

AMENDMENT NO. 2828

(Purpose: To authorize certain atmospheric and satellite programs and functions, and for other purposes)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Mr. HOLLINGS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for Mr. HOLLINGS, proposes an amendment numbered 2828.

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:

Redesignate sections 2 through 14 as sections 101 through 113, respectively.

Insert immediately before section 101, as so redesignated, the following centered heading:

"TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION".

In sections 101 through 111, as so redesignated, strike "this Act" each place it appears and insert in lieu thereof "this title".

In section 101, as so redesignated, insert "of the National Aeronautics and Space Administration (hereafter in this title referred to as the 'Administrator') immediately after "Administrator" the first place it appears.

In sections 102 and 103, as so redesignated, strike "section 2(c)" each place it appears and insert in lieu thereof "section 101(c)".

In sections 103 and 104, as so redesignated, strike "section 2(a)" and insert in lieu thereof "section 101(a)".

In section 106, as so redesignated, strike "section 2(b)" and insert in lieu thereof "section 101(b)".

In section 109, as so redesignated, strike "section 2(a)(1)" and insert in lieu thereof "section 101(a)(1)".

At the end, add the following new title:

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ATMOSPHERIC PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 201. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service under law, $279,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to National Weather Service operations and research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

SEC. 202. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast systems duties under law, $98,500,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to public warning and forecast systems specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the development, acquisition, and implementation of major public warning and forecast systems.

(b) In procuring information processing and telecommunications services of the National Oceanic and Atmospheric Administration for the Advanced Weather Interactive Processing System, the Secretary of Commerce (hereafter in this title referred to as the "Secretary") may provide, in the contract or contracts for such services, for the payment for contingent liability of the Federal Government which may accrue in the event that the Government decides to terminate the contract before the expiration of the multiyear contract period. Such contract or contracts for such services shall limit the payments which the Federal Government is allowed to make under such contract or contracts to amounts provided in advance in appropriation Acts.

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties under law, $51,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to climate and air quality research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the interannual and seasonal climate research, long-term climate and air quality research, and the National Climate Program.

(b) Of the sums authorized under subsection (a) of this section, $3,238,000 for fiscal year 1989 are authorized to be appropriated for the activities under the National Climate Program Act (15 U.S.C. 2901 et seq.).

(c) Of the sums authorized under subsection (a) of this section, $12,000,000 for fiscal year 1989 are authorized to be appropriated to establish a program for the purposes of studying climate and global change. Such program shall augment and integrate existing programs of the National Oceanic and Atmospheric Administration and shall include global observations, monitoring, and data and information management relating to the study of changes in the Earth's climatic system, fundamental research on critical oceanic and atmospheric processes, and climate prediction and diagnostics.

SEC. 204. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties under law, $44,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric research specified by the Act of 1890 and by any other law involving such duties. Such duties include research for developing improved production capabilities for atmospheric processes, as well as solar-terrestrial services and research.

SEC. 205. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties under law, $383,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating

to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary environmental satellites and land remote-sensing satellites, as well as the operation of such satellites.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) for the purpose of carrying out such duties relating to satellite observing systems.

SEC. 206. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $25,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include climate data services, ocean data services, geophysical data services, and environmental assessment and information services.

SEC. 207. (a) The Secretary shall prepare and submit to the Congress, not later than 90 days after the date of enactment of this Act, a 10-year strategic plan for the comprehensive modernization of the National Weather Service. The strategic plan shall set forth basic service improvement objectives of the modernization as well as the critical new technological components and the associated operational changes necessary to fulfill the objectives of weather and flood warning service improvements.

(b) The Secretary shall prepare and submit to the Congress, by the beginning of the fiscal year immediately following the fiscal year in which the strategic plan required by subsection (a) of this section is submitted, a National Implementation Plan for modernization of the National Weather Service. The National Implementation Plan shall set forth the schedules for necessary actions to accomplish the objectives described in the strategic plan, and the National Implementation Plan shall include—

(1) detailed requirements for new technologies, facilities, staffing levels, and funding, for each of the two fiscal years immediately following the fiscal year in which such National Implementation Plan is submitted, in accordance with the overall schedule for modernization;

(2) special measures to test, evaluate, and demonstrate key elements of the modernized National Weather Service operations prior to national implementation, including a multistation operational demonstration which tests the performance of all components of the modernization in an integrated manner for a sustained period; and

(3) detailed plans and funding for meteorological research to be accomplished under this title to assure that new techniques in forecasting will be developed to utilize the new technologies being implemented in the modernization.

(c) The Secretary shall submit a revised National Implementation Plan to the Congress at the beginning of each successive fiscal year after the fiscal year in which the initial National Implementation Plan is submitted.

(d) In reviewing and revising the National Implementation Plan, the Secretary shall consult, as appropriate, with other Federal and public agencies responsible for providing or utilizing weather services.

SEC. 208. (a) The Secretary shall not close, consolidate, automate, or relocate any Weather Service Office or Weather Service Forecast Office except in accordance with this section.

(b) The Secretary may not close, consolidate, automate, or relocate any such office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that such action will not result in any degradation of weather services provided to the affected area. Such certification shall include—

(1) a detailed comparison of the services provided to the affected area and the services to be provided after such action;

(2) any recent or expected modernization of National Weather Service operations which will enhance services in the affected area; and

(3) evidence, based upon operational demonstration of modernized National Weather Service operations, which supports the conclusion that no degradation in services will result from such action.

SEC. 209. (a) Except as otherwise provided in this section, the Secretary is authorized to assess fees, based on fair market value, for access to environmental data archived by the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration.

(b)(1) The Secretary shall provide data described in subsection (a) to Federal, State, and local government agencies, to universities, and to other nonprofit institutions at the cost of reproduction and transmission, if such data is to be used for research and not for commercial purposes.

(2) The Secretary shall waive the assessment of fees under subsection (a) as necessary to continue to provide data to foreign governments and international organizations on a data exchange basis or as otherwise provided by international agreement.

(c) The initial schedule of any fees assessed under this section, and any subsequent amendment to such schedule, shall be published by the Secretary in the Federal Register at least 30 days before such fees will take effect. The initial schedule shall remain in effect without amendment for the three-year period beginning on the date that fees under the schedule take effect.

(d) Any assessment of fees under this section shall meet the following requirements:

(1) No fees shall be assessed under this section until after September 30, 1989.

(2) With respect to the first one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than one-third of the fair market value specified in subsection (a).

(3) With respect to the second one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than two-thirds of such fair market value.

(4) With respect to the third one-year period during which the initial fee schedule is in effect, and with respect to any period thereafter, fees shall be assessed at no more than the full amount of such fair market value.

(e) Fees collected under this section shall be available to the National Environmental Satellite, Data, and Information Service for expenses incurred in the operation of its data archive centers.

(f) The Secretary shall, not later than 90 days after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report which sets forth—

(1) any plan of the Secretary for assessing fees under this section, including the methodology and bases by which the amount of such fees shall be determined, and the estimated revenues therefrom; and

(2) any plan of the Secretary for using revenues generated from such fees, as well as other resources, to improve the capability of the National Environmental Satellite, Data, and Information Service to collect, manage, process, archive, and disseminate the increasing amounts of data generated from satellites, radars, and other technologies.

(g) The authority of the Secretary to assess fees under this section shall be in addition to, and shall not be construed to limit, the authority under any other law to assess fees relating to the environment data activities of the National Oceanic and Atmospheric Administration.

SEC. 210. The Secretary, in consultation with the Secretary of State, the Administrator of the National Aeronautics and Space Administration, and appropriate non-Federal organizations, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a plan to construct and operate a worldwide system of ground-based remote sensors to monitor the stratospheric levels of chemicals which can affect the level of ozone in the stratosphere and to use these results to improve our understanding of the possible changes in stratospheric ozone that are the consequence of human activities. The plan shall include time lines for construction and operation of the system, a description of the roles of the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, non-Federal organizations, other nations, and international organizations in constructing and operating the system, and estimates of the costs to construct and operate the system. The plan shall be submitted not later than July 1, 1989.

SEC. 211. It is the sense of the Congress that the global change program represents a significant opportunity for international cooperation and that it is in the best interest of the United States to maintain a separate civilian polar meteorological satellite program to facilitate data sharing with foreign participants in the global change program.

SEC. 212. None of the funds authorized under this title shall be used to move from Kansas City, Missouri, the National Weather Service Training Center currently located at Kansas City, nor to close such Center.

SEC. 213. For the purposes of this title, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653); and

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

Mr. HOLLINGS. Mr. President, the amendment that I am proposing is co-

sponsored by the ranking member of the Senate Commerce Committee. It would incorporate authorization of fiscal year 1989 appropriations for the atmospheric and satellite activities of the National Oceanic and Atmospheric Administration into the pending NASA authorization bill. I have checked this amendment with our House counterparts, and they agree to this approach.

Mr. President, last year, the House and Senate committees were unable to resolve their differences regarding a 2-year NOAA authorization bill, primarily due to disagreements over the fiscal year 1989 authorization of appropriations. Consequently, there was no fiscal year 1988 authorization bill for the NOAA atmospheric and satellite program. I believe that the amendment before us today represents a prudent solution to those past differences and lays out a reasonable blueprint for NOAA in fiscal year 1989.

The proposed amendment authorizes establishment of an NOAA program in climate and global change. This initiative has been supported by the administration and builds upon ongoing NOAA responsibilities to monitor the oceans and atmosphere, manage environmental information, and improve climate prediction. Elements of the program will include: First, global observations, monitoring, and data management; second, fundamental research on critical oceanic and atmospheric processes; and third, climate prediction and diagnostics. Understanding the effect of human activities on the global habitat has become an issue of increasing public concern in recent months. I am confident that the proposed NOAA program can make an important contribution to addressing that concern.

On a related matter, the amendment expresses the sense of the Congress that the study of global change provides a significant opportunity for international cooperation, and that our national interest lies in maintaining civilian meteorological satellite programs to facilitate data-sharing among researchers worldwide.

In addition, the amendment contains provisions from the House-passed bill which are acceptable to the Committee. These provisions would require development of a modernization plan for the National Weather Service and ensure that closure, automation or relocation of NWS field offices would not diminish the services provided to an area. The amendment also calls for a plan to construct and operate a ground-based stratospheric monitoring system. Finally, it would provide authority to assess fees for commercial users of environmental data.

In summary, I feel that this language defines a comprehensive and reasonable NOAA program for the upcoming fiscal year, and I urge the adoption of the amendment.

Mr. DANFORTH. I would like to reiterate the remarks of the distinguished chairman of the Commerce Committee and to indicate my support of the proposed amendment.

Mr. RIEGLE. Mr. President, the distinguished chairman of the Senate Commerce Committee's amendment has been cleared on both sides of the aisle, and I am pleased to accept this amendment.

Mr. HOLLINGS. I thank the distinguished chairman of the Science, Technology, and Space Subcommittee.

Mr. President, at this point, I would ask that a chart outlining the breakdown of the NOAA authorization amendment be included in the RECORD, as well as a section-by-section analysis of the amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

(See Exhibit 1.)

Mr. PRESSLER. I would like to indicate that the distinguished Senator's amendment is acceptable and that I am personally supportive of many of the programs included in the fiscal year 1989 NOAA authorization bill. In particular, I would like to point out that the EROS Data Center in South Dakota is the data archive for the Nation's land remote sensing program and a critical link in a comprehensive global change program. This committee has long recognized the important role of the EROS Data Center through the authorization process, as it does again this year. The data processing and archiving work done at the Center will assume even greater importance in the future as the global change research programs of NOAA, NASA, and other agencies expand in scope. I also expect the Center to assume a primary role in the facilitation of international data-sharing referred to by the distinguished chairman of the Commerce Committee.

Mr. HOLLINGS. I thank the distinguished ranking member of the Science, Technology, and Space Subcommittee.

EXHIBIT 1

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ATMOSPHERIC PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION-BY-SECTION ANALYSIS

Section 201—National Weather Service Operations and Research.—This section authorizes $279,000,000 for FY 1989 for the operations and research duties of the National Weather Service (NWS). The funds authorized support public warnings and forecast activities of a meteorological, hydrological, and oceanographic character, as well as the applied research underlying these activities. The FY 1989 sum includes funding for activities requested by the Administration, and for restorations of proposed reductions for the following: NWS management, agricultural and fruit frost warnings, fire weather services, flood warning and data buoy systems, and employee training for new NWS technology.

Section 202—NWS Systems Acquisition.—This section authorizes $98,500,000 for FY 1989 for the development, acquisition, and implementation of major NWS public warning and forecast systems. The FY 1989 authorization applies to three new technology systems: the next generation doppler radar (NEXRAD) program, which is a joint program with the Federal Aviation Administration (FAA) and U.S. Air Force; the Automated Surface Observing System (ASOS), sponsored jointly with FAA; and the Advanced Weather Interactive Processing System (AWIPS), an information management and display system which will integrate satellite and radar data for the first time.

The support levels provided for NEXRAD and ASOS are consistent with the requirements set forth in the administration's budget submission for NOAA. By contrast, the administration has proposed to terminate funding for AWIPS, and to extend NWS's current data processing system, Automation of Field Operations and Services (AFOS), until a less expensive replacement is developed. This proposal has raised concerns, however, because the AFOS system is based on obsolete technologies, and maintenance components are no longer commercially available. In addition, the AFOS system lacks the capacity to handle the increased flow of information from new radars, satellites, and ground observation systems. Recognizing that replacement of AFOS is essential to the success of the modernization effort, funds for AWIPS are authorized at the FY 1988 level. Finally, this section authorizes the multiyear procurement of information processing and telecommunications services in connection with the AWIPS program.

Section 203—Climate and Air Quality Research.—This section authorizes $51,000,000 for FY 1989 for NOAA's climate and air quality research activities. These activities are carried out by the Office of Oceanic and Atmospheric Research (OAR) and include studies of tropical ocean and global atmosphere interactions, trace gases which contribute to greenhouse warming, and global climate change. The authorization covers the administration request for the subactivity, restoration and enhancement of funding for the regional climate centers, and support for U.S. participation in an international assessment of climate change. This section also reauthorizes the National Climate Program Act, providing $3,238,000 for FY 1989 from within the overall authorizations for the climate and air quality research subactivity. Finally, this section earmarks $12,000,000 of the FY 1989 authorization for establishment of a NOAA climate and global change program.

Section 204—Atmospheric Programs.—This section authorizes $44,000,000 for FY 1989 for NOAA's atmospheric research activities carried out by OAR. These activities include research to develop improved predictive capabilities for atmospheric processes, as well as solar terrestrial services and research. The FY 1989 authorization includes the funding requested by the Administration, restoration of reductions from the FY 1988 funding levels, and modest enhancements in severe storm research programs.

Section 205—Satellite Observing Systems.—This section authorizes $408,000,000 for FY 1989 to the National Environmental Satellite Data and Information Service

(NESDIS) for activities related to NOAA satellite observing systems. These activities include spacecraft procurement, launch, and associated ground station system changes involving polar-orbiting and geostationary weather satellites and land remote-sensing satellites. The operation of these satellite systems is also included within this subactivity.

The FY 1989 authorization covers the administration request for launch and spacecraft procurement and satellite operations. In addition, the authorization includes funds to continue operating Landsats 4 and 5 (which have lasted beyond their anticipated lifetimes), and to continue development and procurement of NOAA-PORT, the NESDIS counterpart of AWIPS. Funding is also authorized to initiate the Earth Resources Observation Systems (EROS) data archive contemplated in section 602(b) of the Land Remote-Sensing Satellite Act of 1984. Landsat commercialization is not included in this amendment, since it has already been authorized under the 1984 Act.

Section 206—Environmental Data Management System.—This section authorizes $25,000,000 for FY 1989 for the environmental data and information services of NESDIS. The main areas of activity are climatic data services, ocean data services, geophysical data services, and environmental assessment and information services. The FY 1989 authorization includes the Administration's request for this subactivity. It also contains funding to upgrade the current data management system for storage and retrieval of the data produced by the next generation of NOAA radars and satellites that will be coming on line in the next few years.

Section 207—NWS Modernization Plan.—Over the next five years, the NWS will spend millions of dollars to replace outdated and obsolete weather equipment and technologies. This section requires that the Secretary of Commerce develop a comprehensive ten-year plan which establishes modernization objectives, including necessary operational changes and technological components, to improve our national weather forecast and warning system. In addition, this section requires submission to Congress of an annual implementation plan to ensure that timely information is available regarding any changes in the funding, staff levels, facilities, and technologies needed to carry out modernization. The plan would identify research needs and provide for testing and evaluation of any new components before they are incorporated into NWS operations.

Section 208—Closure, Automation or Relocation of Field Offices.—This section requires a certification from the Secretary of Commerce prior to closing, consolidating, automating, or relocating any weather service field office. The purpose of the certification is to ensure that NWS modernization will not diminish the services provided to an area by existing weather service offices. The Secretary will report to Congress regarding anticipated changes in field office operations, compare services provided before and after such changes, and certify that no degradation of services will result.

Section 209—Data Center User Fees.—This section provides the Secretary of Commerce with authority to assess fees for commercial users of environmental data. Such fees would be phased in over a three-year period and would be used to support and upgrade environmental data management programs. The section requires submission of a plan to Congress which describes (1) methods for assessing fees based on a fair market value, and (2) how revenues generated could be used to improve data management capabilities.

Section 210—Ground-based Stratospheric Monitoring.—The Montreal Protocol on Substances which Deplete the Ozone Layer is an international agreement which was ratified by the United States last winter. Among its provisions, the Protocol calls for atmospheric monitoring to determine appropriate reductions in production of ozone-destroying chemicals. This section would require the Secretary of Commerce, in consultation with the Secretary of State and the NASA Administrator, to develop a plan to carry out this mandate. The plan would provide for constructing and operating a worldwide system of ground-based remote sensors to monitor the chemicals which are important for understanding changes in stratospheric ozone.

Section 211—Sense of Congress Resolution.—This section expresses the sense of the Congress that the global change program represents a significant opportunity for international cooperation and that it is in the best interest of the United States to maintain a separate civilian polar meteorological satellite program to facilitate data-sharing with foreign participants in this program.

Section 212—National Weather Service Training Center.—This section prohibits the use of any of the funds authorized to be appropriated under this title to move or close the National Weather Service Training Facility in Kansas City, Missouri.

Section 213—Definitions.—This sections defines short titles for two Acts referred to in the amendment.

NOAA SATELLITE AND ATMOSPHERIC PROGRAM BUDGET SPREAD SHEET FOR FISCAL YEAR 1989

[In millions of dollars]

	Fiscal year 1989 request	Proposed fiscal year 1989 Senate authorization
National Weather Service	333.4	377.5
Operations and research	268.2	279.0
Systems Aquisition	65.2	98.5
Next Generation Weather Radar	53.9	69.0
Advanced Weather Interactive Processing System	0	20.6
Automated Field Operations and Services	5.0	0
Automated Surface Observing Systems	6.3	8.9
Office of Oceanic and Atmospheric Research	[1]87.0	95.0
Climate and Air Quality Research	48.4	[1]51.0
Interannual and Seasonal Climate Research	7.4	10.4
Long-term Climate and Air Quality Research	24.9	24.9
Climate and Global Change	15.0	12.0
National Climate Program	1.1	3.2
Atmospheric Programs	38.5	[1]44.0
Weather Research	33.9	38.9
Solar-Terrestial Services and Research	4.6	4.6
National Environmental Satellite Data and Information Service	374.7	408.0
Satellite Observing Systems	352.1	[1]383.0
Polar Orbiting System	130.4	130.4
Geostationary System	172.1	172.1
Landsat Operations	0	20.0
Environmental Observing Services	49.6	49.6
NOAA-PORT	0	4.0
EROS Data Center	0	6.0
Environmental Data Management System	22.5	25.0

[1] Due to rounding the numbers do not add.

Mr. PRESSLER. Mr. President, the Senate Committee on Commerce, Science, and Transportation has worked diligently to develop this legislation to reauthorize NASA for fiscal year 1989. As the ranking Republican member of the Subcommittee on Science, Technology, and Space, I am pleased to support this bill as it establishes the framework for future exploration of space and provides for an effective investment in aerospace technology. I believe that such an investment is a wise expenditure, since this country remains a world leader in this field. It is important to maintain this position of leadership in the world as the aerospace industry contributes favorably to this Nation's balance of trade.

Mr. President, I believe that this country must commit itself and the necessary resources to an energetic and active space program. We must avoid the trap of second-guessing the value of this investment. The space program produces new technologies that improve the quality of life for all. The handicapped are now able to drive cars with controls developed for use in the space program. Computers have developed rapidly and now are an indispensable part of our lives. These and thousands of other technologies are spinoff benefits from the space program.

The Soviet Union continues to make great progress in the area of space exploration. The Mir, the Soviet version of the space station, is fully operational. And, while it does not possess the same capabilities of our proposed space station, the Soviets are now utilizing the Mir. This bill authorizes $867 million for the space station. This funding is essential to the continued vitality of our space program as the station is the key to a return mission to the Moon or any effort to travel to Mars. We must resolve not to allow any nation to surpass us in our efforts to explore space. Moreover, this country has entered into agreements with the Governments of Japan, Canada, and a group of Western European nations concerning the deployment and use of the space station. I look forward to reviewing these agreements and working with our international partners.

Mr. President, this legislation authorizes the appropriation of $11.1 billion, which is approximately 1 percent of the Federal budget. In the 1960's, this Nation committed itself to preeminence in space. At that time, NASA's share of the budget far exceeded what is proposed today. This bill reflects the best efforts of the Commerce to provide the necessary resources for a vital space program. At the same time, however, this bill acknowledges the very real fiscal constraints within which the Congress

must exist. I urge my colleagues to support this legislation today.

Mr. DANFORTH. Mr. President, I am pleased to support S. 2209, legislation to reauthorize NASA for fiscal year 1989. This bill reflects the Commerce Committe's position that we must continue to explore space and develop new technologies in aeronautics, a field in which the United States is an international leader. Mr. President, this legislation authorizes the expenditure necessary to maintain our leadership in both the exploration of space and development of aeronautics technology.

This legislation authorizes the appropriation of $11.1 billion for fiscal year 1989. This amount, which is less than the President's request, is approximately 1 percent of the overall budget. By contrast, the Space Program accounted for nearly 4 percent of the overall budget during the 1960's. The program authorized in this bill strikes a balance between the budget constraints facing the Congress and the need to maintain a strong space program.

The centerpiece of NASA's work is the space station. This facility, which the Soviets possess currently on a much smaller scale, will provide this country with a permanent manned presence in space. The possibilities of this program appear limitless.

The scientific community is most enthusiastic about the potential technologies for the life sciences in a microgravity environment. Permanent access to such an environment is the key to further scientific breakthroughs. We are still experiencing the spinoff benefits from the Space Program activities in the 1960's, such as implantable heart assist devices or drive controls for handicapped drivers. We will continue to enjoy the benefits of similar innovations well into the next century provided we maintain a strong space program.

Many now discuss the possibility of a return trip to the Moon or a mission to Mars. The space station will provide the base from which to operate any mission to Mars. This station is also essential as we learn about man's ability to stay in space for the extended time period necessary to reach Mars.

I would like to commend the Department of State and NASA for their efforts in negotiating memoranda of understanding, MOU's and intergovernmental agreements, IGA, on the space station with the Governments of Europe, Canada, and Japan. The IGA and the MOU's reflect an international consensus on the value of this program. This working relationship with our foreign partners is very important both to the development and deployment of the station and to our relationship with these allies. This legislation establishes a framework for proceeding with this important initiative.

The United States remains the world leader in aeronautical technology. Although the aerospace industry has the largest trade surplus of any domestic industry, the aeronautics component is losing ground to foreign competition. This legislation provides increased funding for aeronautics research, which will enable the domestic industry to meet the foreign competitive challenge.

This bill authorizes three important new starts. First of these is the Advanced Solid Rocket Motor [ASRM] Program. The ASRM will enable the space shuttle to carry heavier payloads than is currently possible. This is important for the deployment of the space station.

Second, the Advanced X-ray Astrophysics Facility [AXAF], a shuttle-deployed facility for x-ray astronomy, holds great promise for the scientific community. Finally, the Pathfinder Program, which develops new technologies for satellite-based studies of the Earth, a return to the Moon or a piloted mission to Mars, is an important new initiative. These latter two projects will help develop the technologies necessary to expand human presence beyond Earth orbit, a goal of the President's national space policy.

Mr. President, I am confident that we can have a strong space program. And, I believe that we must have one. This country must look to the possibilities that space exploration gives us. It will be costly, but I believe that the framework estabished by this legislation provides a sound basis for pursuing future space policy.

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

The amendment (No. 2828) 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 agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. 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. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1989".

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 101. There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1988:

(a) For "Research and development," for the following programs:

(1) Space station, $867,400,000;

(2) Space transportation capability development, $606,600,000;

(3) Physics and astronomy, $761,600,000;

(4) Life sciences, $91,700,000;

(5) Planetary exploration, $399,000,000;

(6) Space applications, $628,300,000;

(7) Technology utilization, $19,100,000;

(8) Commercial use of space, $38,800,000;

(9) Aeronautical research and technology, $404,200,000;

(10) Transatmospheric research and technology, $69,400,000;

(11) Space research and technology, $350,900,000, of which $8,000,000 is provided for implementation of the national space grant college and fellowship program established under Public Law 100-147 (101 Stat. 860);

(12) Safety, reliability and quality assurance, $22,400,000;

(13) Tracking and data advanced systems, $18,800,000;

(b) For "Space flight, control and data communications," for the following programs:

(1) Space shuttle production and operational capability, $1,335,500,000, of which $88,000,000 is provided for the advanced solid rocket motor program;

(2) Space transportation operations, $2,365,400,000, including such funds as may be necessary to ensure the availability of ammonium perchlorate for the production of solid rocket motors;

(3) Space and ground network, communications and data systems, $985,300,000.

(c) For "Construction of facilities," including land acquisition, as follows:

(1) Modifications to Processing Technology Facility for Space Station, Marshall Space Flight Center, $3,700,000;

(2) Construction of Addition for Space Systems Automated Integration and Assembly Facility, Johnson Space Center, $9,200,000;

(3) Replacement of High Pressure Gas Storage Vessels, National Space Technology Laboratory, $3,500,000;

(4) Increase Chiller Capacity, LC-39 Utility Annex, Kennedy Space Center, $2,300,000;

(5) Rehabilitation of PAD A, L-C 39, Kennedy Space Center, $4,600,000;

(6) Refurbish Atmospheric Reentry Materials and Structures Evaluation Facility, Johnson Space Center, $4,900,000;

(7) Modification for Advanced Engine Development, Test Stand 116, Marshall Space Flight Center, $13,500,000;

(8) Modifications to Orbiter Modification and Refurbishment Facility (OMRF) for Safing and Deservicing, Kennedy Space Center $2,800,000;

(9) Modification to the X-Ray Calibration Facility (XRCF), Marshall Space Flight Center, $11,400,000;

(10) Construction of Auxiliary Chiller Facility, Johnson Space Center, $7,800,000;

(11) Modernization of Space Environment Simulator, Goddard Space Flight Center, $2,800,000;

(12) Modifications for Utility Reliability, Goddard Space Flight Center, $3,100,000;

(13) Refurbishment of 25-Foot Space Simulator, Jet Propulsion Laboratory, $12,000,000;

(14) Repair and Modifications of 12-Foot Pressure Wind Tunnel, Ames Research Center, $36,500,000;

(15) Rehabilitation and Modifications to 10×10 Supersonic Wind Tunnel, Lewis Research Center, $14,500,000;

(16) Refurbishment to Hypersonic Facilities Complex, Langley Research Center, $12,800,000;

(17) Refurbishment of Electric Power Laboratory, Lewis Research Center, $6,100,000;

(18) Construction of National Resource Protection at various locations, $2,600,000;

(19) Repair of facilities at various locations, not in excess of $750,000 per project, $27,000,000;

(20) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $34,000,000;

(21) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $9,000,000;

(22) Environmental compliance and restoration, $26,000,000; and

(23) Facility planning and design not otherwise provided for, $20,000,000.

Notwithstanding paragraphs (1) through (23), the total amount authorized by this subsection shall not exceed $260,100,000.

(d) For "Research and program management," $1,880,000,000;

(e) Notwithstanding the provisions of subsection (h), appropriations authorized in this title for "Research and development" and "Space flight, control and data communications" may be used for (1) any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator of the National Aeronautics and Space Administration (hereafter in this title referred to as the "Administrator") determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this title may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the President of the Senate and the Speaker of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development", for "Space flight, control and data communications", or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultation or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of $100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection (a) or (b), not in excess of $500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. Authorization is granted whereby any of the amounts prescribed in paragraphs (1) through (23), of section 101(c) of this title—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward 25 percent, to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed $260,100,000.

SEC. 103. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 101 (a) or (b) of this title may be transferred to and merged with the "Construction of facilities" appropriation, and when so transferred, together with $10,000,000 of funds appropriated pursuant to section 101(c) of this title (other than funds appropriated pursuant to paragraph (23) of such section) shall be available for expenditure to construct, expand, and modify laboratories and other installations at any location (including locations specified in section 101(c)), if (1) the Administrator determines that such action is necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) the Administrator determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of thirty days has passed after the Administrator or the Administrator's designee has transmitted to the President of the Senate and the Speaker of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report containing a full and complete statement concerning (A) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

SEC. 104. Notwithstanding any other provision of this title, no amount appropriated pursuant to this title may be used for any program—

(1) deleted by the Congress from requests as originally made either to the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) in excess of the amount actually authorized for that particular program by sections 101 (a), (b), and (d); and

(3) which has not been presented to either such Committee,

unless a period of thirty days has passed after the receipt by the President of the Senate and the Speaker of the House of Representatives and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 106. If, after evaluation of proposals received in response to the request for proposals for an advanced solid rocket motor required by section 121(b) of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100-147; 101 Stat. 868), the Administrator determines that it is in the best interests of the United States to select a proposal offering a privately financed and non-Government-owned production facility to be constructed on a Government or non-Government site, funds otherwise authorized in section 101(b) of this title for the construction of a Government-owned production facility on a Government-owned site shall be available, without fiscal year limitation, for that purpose. In such event, the Administrator is authorized, notwithstanding any provision of law to the contrary, to provide for the payment for contingent liability in excess of available appropriations in the event the Government for its convenience terminates such contract, if any such contract limits the amount of the payments that the Federal Government is allowed to make under such contract to amounts to be provided in advance in appropriation Acts.

SEC. 107. Section 304 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following new subsection:

"(f) Under regulations to be prescribed by the Administrator and approved by the Attorney General of the United States, those officers and employees of the Administration and of its contractors and subcontractors authorized pursuant to subsection (e) to carry firearms may arrest a person without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that such person has committed or is committing such felony. Individuals granted authority to arrests by this subsection may exercise that authority

only while guarding and protecting property of the United States under the administration and control of the Administration or one of its contractors or subcontractors.".

SEC. 108. The National Space Technology Laboratories of the National Aeronautics and Space Administration located in Bay St. Louis, Mississippi, is named and designated as the "John C. Stennis Space Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such center shall be held to be a reference to the "John C. Stennis Space Center".

SEC. 109. No civil space station authorized under section 101(a)(1) of this title may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

SEC. 110. The Administrator, in coordination with the Secretary of Energy, for the purpose of outer solar system exploration, may request and receive such quantities of nuclear fuel as are necessary only for the specific mission, on terms and at costs as may be agreed upon. Nothing in this section authorizes the providing of such nuclear fuel on those terms for any other purpose or its diversion for any other use.

SEC. 111. It is the sense of the Senate that—

(1) the April 1987 Agreement between the United States of America and the Union of Soviet Socialist Republics concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes represents a meaningful approach to cooperative space activities between the United States and the Soviet Union;

(2) the Agreement presents a unique opportunity to establish a multilateral working group of space-faring nations, including the Union of Soviet Socialist Republics, to explore the technological and procedural principles necessary to effect a regime providing for assistance and rescue of personnel in space, and to ensure the effectiveness of such a regime, space-faring nations should consider compatible docking, communications, and life support systems;

(3) such an international regime, modeled after the successful Search and Rescue Satellite Program (SARSAT), would permit all space-faring nations to reiterate their commitments to the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space and would extend to incidents of distress in space the principles of rescue universally accepted with respect to incidents of distress at sea and in the air; and

(4) the President should promptly seek the establishment of a multilateral Space Rescue and Space Assistance Working Group to explore the creation of such an international regime and the development of compatible docking, communications, and life support systems to ensure the effectiveness of the regime.

SEC. 112. Section 24 of the Commercial Space Launch Act (49 App. U.S.C. 2623) is amended by adding at the end thereof the following: "There is authorized to be appropriated to the Secretary to carry out this Act $3,827,000 for fiscal year 1989.".

SEC. 113. (a) The Administrator may, without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), and on such terms as the Administrator may deem to be appropriate, lease, for a term not to exceed 99 years, real property located at the Lewis Research Center in Cuyahoga County, to the State of Ohio, or a subdivision or agent thereof, or to a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, for the purpose of the construction and operation thereon of an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors. This lease shall be renewable for additional periods in the discretion of the Administrator.

(b) Subject to the availability of appropriations therefor, the Administrator may enter into agreements, on such terms as the Administrator may deem to be appropriate, with the State of Ohio, or a subdivision or agent thereof, or with a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, pursuant to which the Administration may provide administrative, maintenance, instructional, and other appropriate support, with or without reimbursement, to an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors.

(c) The Administrator may redelegate the authority conferred in subsections (a) and (b), to such subordinate officers and employees as the Administrator may designate.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ATMOSPHERIC PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 201. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service under law, $279,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to National Weather Service operations and research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

SEC. 202. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast systems duties under law, $98,500,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to pubic warning and forecast systems specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the development, acquisition, and implementation of major public warning and forecast systems.

(b) In procuring information processing and telecommunications services of the National Oceanic and Atmospheric Administration for the Advanced Weather Interactive Processing System, the Secretary of Commerce (hereafter in this title referred to as the "Secretary") may provide, in the contract or contracts for such services, for the payment for contingent liability of the Federal Government which may accrue in the event that the Government decides to terminate the contract before the expiration of the multiyear contract period. Such contract or contracts for such services shall limit the payments which the Federal Government is allowed to make under such contract or contracts to amounts provided in advance in appropriation Acts.

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties under law, $51,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to climate and air quality research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the interannual and seasonal climate research, long-term climate and air quality research, and the National Climate Program.

(b) Of the sums authorized under subsection (a) of this section, $3,238,000 for fiscal year 1989 are authorized to be appropriated for the activities under the National Climate Program Act (15 U.S.C. 2901 et seq.).

(c) Of the sums authorized under subsection (a) of this section, $12,000,000 for fiscal year 1989 are authorized to be appropriated to establish a program for the purposes of studying climate and global change. Such program shall augment and integrate existing programs of the National Oceanic and Atmospheric Administration and shall include global observations, monitoring, and data and information management relating to the study of changes in the Earth's climatic system, fundamental research on critical oceanic and atmospheric processes, and climate prediction and diagnostics.

SEC. 204. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties under law, $44,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric research specified by the Act of 1890 and by any other law involving such duties. Such duties include research for developing improved production capabilities for atmospheric processes, as well as solar-terrestrial services and research.

SEC. 205. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties under law, $383,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary environmental satellites and land remote-sensing satellites, as well as the operation of such satellites.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) for the purpose

of carrying out such duties relating to satellite observing systems.

SEC. 206. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $25,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include climate data services, ocean data services, geophysical data services, and environmental assessment and information services.

SEC. 207. (a) The Secretary shall prepare and submit to the Congress, not later than 90 days after the date of enactment of this Act, a 10-year strategic plan for the comprehensive modernization of the National Weather Service. The strategic plan shall set forth basic service improvement objectives of the modernization as well as the critical new technological components and the associated operational changes necessary to fulfill the objectives of weather and flood warning service improvements.

(b) The Secretary shall prepare and submit to the Congress, by the beginning of the fiscal year immediately following the fiscal year in which the strategic plan required by subsection (a) of this section is submitted, a National Implementation Plan for modernization of the National Weather Service. The National Implementation Plan shall set forth the schedules for necessary actions to accomplish the objectives described in the strategic plan, and the National Implementation Plan shall include—

(1) detailed requirements for new technologies, facilities, staffing levels, and funding, for each of the two fiscal years immediately following the fiscal year in which such National Implementation Plan is submitted, in accordance with the overall schedule for modernization;

(2) special measures to test, evaluate, and demonstrate key elements of the modernized National Weather Service operations prior to national implementation, including a multistation operational demonstration which tests the performance of all components of the modernization in an integrated manner for a sustained period; and

(3) detailed plans and funding for meteorological research to be accomplished under this title to assure that new techniques in forecasting will be developed to utilize the new technologies being implemented in the modernization.

(c) The Secretary shall submit a revised National Implementation Plan to the Congress at the beginning of each successive fiscal year after the fiscal year in which the initial National Implementation Plan is submitted.

(d) In reviewing and revising the National Implementation Plan, the Secretary shall consult, as appropriate, with other Federal and public agencies responsible for providing or utilizing weather services.

Sec. 208. (a) The Secretary shall not close, consolidate, automate, or relocate any Weather Service Office or Weather Service Forecast Office except in accordance with this section.

(b) The Secretary may not close, consolidate, automate, or relocate any such office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that such action will not result in any degradation of weather services provided to the affected area. Such certification shall include—

(1) a detailed comparison of the services provided to the affected area and the services to be provided after such action;

(2) any recent or expected modernization of National Weather Service operations which will enhance services in the affected area; and

(3) evidence, based upon operational demonstration of modernized National Weather Service operations, which supports the conclusion that no degradation in services will result from such action.

SEC. 209. (a) Except as otherwise provided in this section, the Secretary is authorized to assess fees, based on fair market value, for access to environmental data archived by the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration.

(b)(1) The Secretary shall provide data described in subsection (a) to Federal, State, and local government agencies, to universities, and to other nonprofit institutions at the cost of reproduction and transmission, if such data is to be used for research and not for commercial purposes.

(2) The Secretary shall waive the assessment of fees under subsection (a) as necessary to continue to provide data to foreign governments and international organizations on a data exchange basis or as otherwise provided by international agreement.

(c) The initial schedule of any fees assessed under this section, and any subsequent amendment to such schedule, shall be published by the Secretary in the Federal Register at least 30 days before such fees will take effect. The initial schedule shall remain in effect without amendment for the three-year period beginning on the date that fees under the schedule take effect.

(d) Any assessment of fees under this section shall meet the following requirements:

(1) No fees shall be assessed under this section until after September 30, 1989.

(2) With respect to the first one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than one-third of the fair market value specified in subsection (a).

(3) With respect to the second one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than two-thirds of such fair market value.

(4) With respect to the third one-year period during which the initial fee schedule is in effect, and with respect to any period thereafter, fees shall be assessed at no more than the full amount of such fair market value.

(e) Fees collected under this section shall be available to the National Environmental Satellite, Data, and Information Service for expenses incurred in the operation of its data archive centers.

(f) The Secretary shall, not later than 90 days after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report which sets forth—

(1) any plan of the Secretary for assessing fees under this section, including the methodology and bases by which the amount of such fees shall be determined, and the estimated revenues therefrom; and

(2) any plan of the Secretary for using revenues generated from such fees, as well as other resources, to improve the capability of the National Environmental Satellite, Data, and Information Service to collect, manage, process, archive, and disseminate the increasing amounts of data generated from satellites, radars, and other technologies.

(g) The authority of the Secretary to assess fees under this section shall be in addition to, and shall not be construed to limit, the authority under any other law to assess fees relating to the environmental data activities of the National Oceanic and Atmospheric Administration.

SEC. 210. The Secretary, in consultation with the Secretary of State, the Administrator of the National Aeronautics and Space Administration, and appropriate non-Federal organizations, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a plan to construct and operate a worldwide system of ground-based remote sensors to monitor the stratospheric levels of chemicals which can affect the level of ozone in the stratosphere and to use these results to improve our understanding of the possible changes in stratospheric ozone that are the consequence of human activities. The plan shall include time lines for construction and operation of the system, a description of the roles of the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, non-Federal organizations, other nations, and international organizations in constructing and operating the system, and estimates of the costs to construct and operate the system. The plan shall be submitted not later than July 1, 1989.

SEC. 211. It is the sense of the Congress that the global change program represents a significant opportunity for international cooperation and that it is in the best interest of the United States to maintain a separate civilian polar meteorological satellite program to facilitate data sharing with foreign participants in the global change program.

SEC. 212. None of the funds authorized under this title shall be used to move from Kansas City, Missouri, the National Weather Service Training Center currently located at Kansas City, nor to close such Center.

SEC. 213. For the purposes of this title, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653); and

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

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

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

The motion to lay on the table was agreed to.

CLARIFYING, CORRECTIVE, AND CONFORMING AMENDMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 5174, just received from the House.

The PRESIDING OFFICER. The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 5174) to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

The PRESIDING OFFICER. The bill will be considered as having been read the second time and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

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

The bill (H.R. 5174) was ordered to a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

NATIONAL HOSPICE MONTH

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 525.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 525) to designate the month of November 1988 as National Hospice Month.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 525.

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

The Senate proceeded to consider the joint resolution.

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

The joint resolution (H.J. Res. 525) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

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

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

The motion to lay on the table was agreed to.

NEUROFIBROMATOSIS AWARENESS MONTH

Mr. BYRD. Mr. President, I ask unanimous consent the Committee on Judiciary be discharged from further consideration of H.J. Res. 417 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 417) designating May 1989 as "Neurofibromatosis Awareness Month."

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the joint resolution.

The Senate proceeded to consider the joint resolution.

Mr. DOLE. I am pleased that the Senate is about to pass House Joint Resolution 417, which would designate May 1989 as "Neurofibromatosis Awareness Month." This measure is identical to a joint resolution I sponsored which passed the Senate earlier this year, except that it changes the time "Neurofibromatosis Awareness Month" is observed from May 1988 to May 1989.

Neurofibromatosis, NF, is a neurological genetic disorder that affects roughly 100,000 Americans. The tumors caused by this condition can form anywhere on the body at any time. These tumors can result in deformity, epilepsy, deafness, blindness, retardation, and cancer.

The disorder usually appears in childhood, although it can manifest itself later in life. It affects people of both sexes and all races. There is, as yet, no cure for NF, and the only available treatment is to surgically remove the tumors, which may still grow back.

I hope that by observing "Neurofibromatosis Awareness Month" we can make the general public more aware of this condition and increase support for research into its causes and cure. I know the many individuals who have to bear the heavy physical and psychological burden imposed by this disfiguring disorder will welcome the Senate's support of this joint resolution, and I urge its passage.

Mr. GARN. Mr. President, as we go through these unanimous-consent agreements, I obviously do not know what most of them are. However, this measure is to designate May 1989 as "Neurofibromatosis Awareness Month." We do a lot of these things in this body and they are not given much attention. The reason I would like to a single this one out is that I have a son with neurofibromatosis. He is 9 years old. This is a disease of which most people are not aware. It is commonly known as Elephant Man Disease, and it can be extremely serious and devastating and disfiguring. Fortunately, my son has not reached that stage and may not. But it occurs much more often than people recognize. It causes blindness, a loss of hearing, and disfigurement in some of the more extreme cases.

So I just wanted to add that to the RECORD, that this is something that we are building up to, a national association next year, to make people more aware that this a very serious disease; it affects a lot of people in this country. It is not well known at all and, as I say, fortunately we have had no functional problems with our son yet, but it is untreatable. They have found the gene markers but they do not have a cure and are not quite sure how to handle it, so you just watch it. There needs to be a great deal more research.

I thank the majority leader for allowing me that personal privilege.

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

The joint resolution (H.J. Res. 417) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

BILLS PLACED ON CALENDAR—H.R. 593 AND H.R. 1270

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 593 and H.R. 1270, that the bills be placed on the calendar.

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

INVESTIGATION POWERS OF THE U.S. SENATE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 783.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2350) to clarify the investigatory powers of the United States Senate.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2829

(Purpose: To clarify the provisions relating to the assertion of executive privilege)

(Purpose: To make certain technical modifications)

Mr. BYRD. Mr. President, I send to the desk amendments on behalf of Senator GLENN, and 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 West Virginia (Mr. BYRD), for Mr. GLENN, proposes an amendment numbered 2829.

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

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

The amendment is as follows:

On page 1, line 6, strike "if the President" through "Constitution" on line 8 and insert the following: "if the head of the department or agency employing the officer or employee, with the approval of the Attorney General, has directed the officer or employee not to comply with the subpoena or order and has provided the issuer of the subpoena or order with a written statement setting forth the reasons for the refusal to comply".

On page 1, line 3, strike "1364" and insert "1365".

On page 1, line 4, strike "under the heading 'Senate actions',".

On page 1, line 10, strike "my" and insert "any".

Amend the title so as to read: "To clarify the investigatory powers of the United States Congress.".

Mr. GLENN. Mr. President, the Committee on Governmental Affairs recommends Senate passage of S. 2350, a bill introduced by Senators RUDMAN and INOUYE, the Vice Chair and Chair, respectively, of the Senate Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, popularly known as the Iran-Contra Committee. The bill would attempt to fix two problems faced by the Iran-Contra Committee during its investigation. The purpose of the bill is to ensure that standing committees of the Senate and their subcommittees, as well as any special or select committees, do not encounter the same problems. Senator RUDMAN's statement on introducing S. 2350 on April 29 of this year, which appears at 134 CONGRESSIONAL RECORD S5243, and material which he placed in the RECORD at that time, describe the genesis of the bill.

First, the bill addresses the Senate's use of its existing statutory authority under title 28, United States Code, section 1365, to seek expeditious civil enforcement of its subpoenas. That mechanism is not available when it involves any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity. The purpose of that exception is to encourage the Congress and the President to resolve disputes about executive privilege through political discourse rather than through litigation. The first section of S. 2350 does not attempt to limit the intended reach of that provision, but, it is intended, by resolving a potential ambiguity in it, to assure that an effective civil remedy is available in accord with the statute's purpose.

During last year's hearings, the Iran-Contra Committee was presented with objections to a subpoena by a witness who was an employee of the United States but who had not been authorized to assert objections on behalf of the executive branch. To enable Senate committees to utilize the civil enforcement remedy when Federal officials or employees assert personal constitutional or other objections or privileges to Senate subpoenas, rather than constitutional objections on behalf of the executive branch, S. 2350, as introduced and reported, would limit the exception in section 1365 to circumstances when "the President, in writing, has directed the officer or employee to assert a privilege of the President under the Constitution."

The Department of Justice objects to this language of the bill and has offered alternative language to which it would have no objection. The alternative language would add to the last sentence in section 1365(a) a phrase which would have that sentence provide in full as follows:

This section shall not apply to an action to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened refusal to comply with, any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity if the head of the department or agency employing the officer or employee has directed the officer or employee not to comply with the subpoena or order and has provided the issuer of the subpoena or order with a written statement setting forth the reasons for the refusal to comply.

We are willing to accept the Department's alternative language, with one modification, because it will assure that the limitation on the civil enforcement remedy is applicable only when a Federal official or employee acts pursuant to the directions of the head of his or her department or agency. The one modification we would make is to provide that before any department or agency head directs noncompliance with a Senate subpoena, the Attorney General must approve such a direction. In this regard, it is important to note that longstanding executive branch procedures for the assertion of executive privilege guarantee that, while the heads of executive branch departments or agencies may act to protect executive branch interests pending a determination by the President, only the President may finally invoke a claim of executive privilege.

By requiring approval of the Attorney General, we seek to ensure adherence to these longstanding procedures. I ask unanimous consent that a copy of a memorandum from President Reagan for the heads of executive departments and agencies, dated November 4, 1982, which sets forth executive branch procedures for responding to congressional requests for information, be placed in the RECORD. This memorandum makes clear that the President alone may decide to invoke executive privilege.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1)

Mr. GLENN. I should also note that just as the executive branch requires that the final decision to assert privilege must be made by the President and not by lesser officials, the Senate requires that the final decision to enforce subpoenas must be made by the full Senate and not by individual committees.

Second, section 2 of the bill addresses the applicability of congressional immunity orders to depositions taken by Senate and House staff. Whereas section 1 of the bill is applicable only to the Senate, section 2 is applicable to both Houses. Several Iran-Contra witnesses argued that the current law does not apply to testimony during, or production of documents at, depositions conducted by Committee counsel; rather, they argued, it applies only to testimony and production of documents before the members of congressional committees. This argument was based on the fact that the congressional immunity statute, in contrast to the judicial immunity statute, does not include the phrase "or ancillary to" in describing the proceedings to which it is applicable. The bill would insert that phrase into the statute so that investigators in judicial and legislative branch proceedings will stand on an equal footing for this purpose. The Department of Justice has informed the committee that it has no objection to sectoin 2 as reported.

The first set of amendments are technical in nature. They clarify the purpose of the bill, correct a statutory citation, and fix a typographical error in the bill. The second amendment incorporates the change in section 1 of the bill recommended by the Department of Justice, as we have modified it.

Mr. President, I urge my colleagues to give this bill their full support.

MEMORANDUM FROM PRESIDENT RONALD REAGAN FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, ON PROCEDURES GOVERNING RESPONSES TO CONGRESSIONAL REQUESTS FOR INFORMATION, NOVEMBER 4, 1982

THE WHITE HOUSE,
WASHINGTON,
November 4, 1982.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Procedures Governing Responses to Congressional Requests for Information

The policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch. While this Administration, like its predecessors, has an

obligation to protect the confidentiality of some communications, executive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of the privilege is necessary. Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches. To ensure that every reasonable accommodation is made to the needs of Congress, executive privilege shall not be invoked without specific Presidential authorization.

The Supreme Court has held that the Executive Branch may occasionally find it necessary and proper to preserve the confidentiality of national security secrets, deliberative communications that form a part of the decision-making process, or other information important to the discharge of the Executive Branch's consititutional responsibilities. Legitimate and appropriate claims of privilege should not thoughtlessly be waived. However, to ensure that this Administration acts responsibly and consistently in the exercise of its duties, with due regard for the responsibilities and prerogatives of Congress, the following procedures shall be followed whenever Congressional requests for information raise concerns regarding the confidentiality of the information sought:

1. Congressional requests for information shall be complied with as promptly and as fully as possible, unless it is determined that compliance raises a substantial question of executive privilege. A "substantial question of executive privilege" exists if disclosure of the information requested might significantly impair the national security (including the conduct of foreign relations), the deliberative processes of the Executive Branch or other aspects of the performance of the Executive Branch's constitutional duties.

2. If the head of an executive department or agency ("Department Head") believes, after consultation with department counsel, that compliance with a Congressional request for information raises a substantial question of executive privilege, he shall promptly notify and consult with the Attorney General through the Assistant Attorney General for the Office of Legal Counsel, and shall also promptly notify and consult with the Counsel to the President. If the information requested of a department or agency derives in whole or in part from information received from another department or agency, the latter entity shall also be consulted as to whether disclosure of the information raises a substantial question of executive privilege.

3. Every effort shall be made to comply with the Congressional request in a manner consistent with the legitimate needs of the Executive Branch. The Department Head, the Attorney General and the Counsel to the President may, in the exercise of their discretion in the circumstances, determine that executive privilege shall not be invoked and release the requested information.

4. If the Department Head, the Attorney General or the Counsel to the president believes, after consultation, the the circumstances justify invocation of executive privilege, the issue shall be presented to the President by the Counsel to the President, who will advise the Department Head and the Attorney General of the President's decision.

5. Pending a final Presidential decision on the matter, the Department Head shall request the Congressional body to hold its request for the information in abeyance. The Department Head shall expressly indicate that the purpose of this request is to protect the privilege pending a Presidential decision, and that the request itself does not constitute a claim of privilege.

6. If the President decides to invoke executive privilege, the Department Head shall advise the requesting Congressional body that the claim of executive privilege is being made with the specific approval of the President.

Any questions concerning these procedures or related matters should be addressed to the Attorney General, through the Assistant Attorney General for the Office of Legal Counsel, and to the Counsel to the President.

RONALD REAGAN

Mr. RUDMAN. Mr. President, I rise in support of S. 2350, a bill to clarify the subpoena power of the U.S. Senate and the applicability of congressional grants of immunity. This measure was introduced on April 29, 1988 by Senator INOUYE and I and reported without any objection by the Senate Committee on Governmental Affairs on July 6. It addresses two problems faced by the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, one of which also affected our House counterpart, during the course of our investigation. Although the Iran-Contra investigation is finished, enactment of S. 2350 will ensure that future congressional investigations do not encounter the same difficulties.

The first problem relates to the use of the Senate's existing statutory authority to seek expeditious civil enforcement of subpoenas. This authority, codified in 28 U.S.C. 1365, permits the Senate to seek a Federal court order incarcerating an individual for civil contempt of the Senate for failure to comply with a subpoena. However, it does not apply to "any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity." The legislative history clearly indicates that the purpose of this exception was to ensure that the courts would not become the forum for adjudicating disputes between the Congress and the President over assertions of executive privilege by virtue of this civil contempt process. This exception to the Senate's civil contempt authority is proper, and I support it.

Unfortunately, the language is ambiguous. The exception clause can be read to permit a Federal employee, acting on his own, to challenge the civil contempt process on the grounds that he was acting within his official capacity, even when the President asserted no such claim or had no objection to him testifying. This ambiguity in the statute was one of the factors which went into the decision, last June, to work out an arrangement with Colonel North over his testimony before Congress rather than attempting to secure judicial enforcement of the subpoena.

As introduced, S. 2350 would have required that an official, to invoke the exception, be required to have written authority from the President to invoke a claim on behalf of the President. The Department of Justice expressed the view that this would force the President to become personally involved in disputes between the executive and legislative branches on a premature basis. In addition, some concern was voiced that the original language only covered constitutional claims by the President, and not statutory claims.

To accommodate the concerns of the Executive, we are today modifying this provision of S. 2350 in two ways. First, rather than requiring written authorization from the President to invoke a privilege, we are permitting the head of the agency employing the official to provide the authorization, subject to the approval of the Attorney General. The reason we are requiring the Attorney General's involvement is that the Justice Department is the Federal agency responsible for addressing constitutional issues and, moreover, it is Justice which would have to handle any litigation revolving around this subject.

Second, we are dropping the proposed requirement that a privilege of the President must be invoked to forestall the expedited civil contempt process. We are doing this based on an understanding with the executive branch that agency heads would not raise an objection based on an official's claim of a personal privilege. As under current law, we continue to agree that it is appropriate to raise an objection based on a presidential privilege. What remains unresolved is what to do about statutory claims. However, inasmuch as neither the Executive nor the Governmental Affairs Committee has come up with a statutory privilege case which ever reached this level of dispute, there is little reason to address this matter at this time.

It is my understanding that this compromise is acceptable to both the Department of Justice and the White House. I appreciate the Willingness of the Justice Department to work with the Senate to produce a reasonable resolution of this question.

The second provision of the bill relates to the applicability of immunity orders to congressional depositions. Counsel for several witnesses in the Iran-Contra investigation argued that the immunity orders applied only to appearances before congressional committees. This argument was based on the fact that the congressional immunity statute applies only to proceedings "before" committees, while the comparable statute for judicial immunity applies to proceedings "before or

ancillary to" court or grand jury appearances. Counsel for the immunized witnesses were concerned that prosecutors would challenge the applicability of the immunity order to information provided by immunized witnesses during a deposition. Although this problem was not insurmountable for the Iran-Contra Committees, it was a nuisance we could have done without.

Ironically, the phrase "ancillary to" in the current judicial immunity statute, which was enacted as part of the Omnibus Crime Control Act of 1970, was included at the insistence of the Department of Justice. Although Senator McClellan expressed the view that the phrase was unnecessary, he agreed to add it for clarity's sake. S. 2350 would simply add the phrase "or ancillary to" to the congressional immunity statute.

Mr. President, this is a noncontroversial measure which I urge all my colleagues to support. In closing, I would like to express my appreciation to the chairman of the Governmental Affairs Committee, the Senator from Ohio, and the ranking member, the Senator from Delaware, for their help in reaching a reasonable compromise with the administration and moving this bill through the Senate in an expeditious manner.

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

If not, the question is on agreeing to the amendment.

The amendment (No. 2829) was agreed to.

The PRESIDING OFFICER. Are there further amendments?

If not, 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 amended as follows:

S. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (a) of section 1365 of title 28, United States Code, is amended by inserting after "his official capacity" the following: "if the head of the department or agency employing the officer or employee, with the approval of the Attorney General, has directed the officer or employee not to comply with the subpoena or order and has provided the issuer of the subpoena or order with a written statement setting forth the reasons for the refusal to comply".

SEC. 2. (a) Subsection (a) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to".

(b)(1) Paragraph (1) of subsection (b) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to."

(2) Paragraph (2) of subsection (b) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to".

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

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

The motion to lay on the table was agreed to.

DIRECTING THE SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. BYRD. Mr. President, on behalf of myself and Mr. DOLE, I send to the desk a Senate resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 457) to direct the Senate Legal Counsel to represent Senator Kerry in the case of *Beauchamp* v. *Kerry* (Massachusetts Supreme Court).

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

Mr. BYRD. Mr. President, a plaintiff in a civil lawsuit in a State court in Massachusetts has named Senator KERRY as a defendant. Earlier in the year, the plaintiff, a prisoner in a State correctional institution who has been defending against a new criminal indictment charging him with escape, sought Senator KERRY's testimony at a hearing on a motion to dismiss the indictment. In support of a motion on Senator KERRY's behalf to quash the subpoena, the Senate Legal Counsel explained to the court that Senator KERRY lacked knowledge of facts pertaining to the alleged escape. The court granted the motion to quash the subpoena.

Now, disputing statements in the motion to quash, the plaintiff has brought a civil action against Senator KERRY. This resolution will authorize Senate Legal Counsel to represent Senator KERRY in order to move to dismiss the complaint.

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

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 457

Whereas, in the case of *Beauchamp* v. *Kerry*, Civil Action No. 88-1932, pending in the Superior Court of the Commonwealth of Massachusetts, the plaintiff has named Senator John F. Kerry as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Kerry in the case of *Beauchamp* v. *Kerry*.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1989—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The conference report on H.R. 4800 is the pending matter.

Mr. LAUTENBERG. Mr. President, although I will vote for the conference report I do so with serious reservations about the funding levels for Superfund and construction grants.

As the distinguished chairman and ranking minority member know, I attempted during subcommittee consideration to increase funding for both Superfund and construction grants. In addition, in the conference committee I made proposals to reject attempts to cut Superfund and construction grants below the levels of the Senate bill.

Despite some very tough constraints, we managed to produce a conference report that increased the Superfund appropriations by almost $300 million over last year. We also appropriated about $450 million more for construction grants than was requested in the President's budget.

Although we made some progress on Superfund and construction grants, I would have liked to see higher funding levels.

Mr. President, I would make one final observation about funding for the Emergency Planning and Community Right to Know Act of 1986 (title III). We provided $2 million in EPA's salary and expenses account for the program. In the conference committee, it was agreed that these funds were to be equally divided between emergency planning and emissions inventory activities. The conference report gives some examples of what some emissions inventory activities might be, but should not be viewed as an exclusive list. For a fuller description of the responsibilities the committee contemplates being executed with title III funding, I would direct EPA to consider the Senate report accompanying H.R. 4800, which lays out the key functions the Agency must perform to achieve a successful program.

Mr. President, although I have these reservations about the conference report, it does improve upon last year's Superfund appropriation and the President's proposed construction grants funding level. I will therefore not oppose the conference report.

Mr. McCLURE. Mr. President, I would like to take a few moments to discuss report language to the HUD

appropriations bill that causes me some concern. My preference would be that it was not there at all.

Nevertheless, the language to which I refer is found on page 59 of the Senate report numbered 100-401, and relates to the role of the Federal Emergency Agency with respect to emergency evacuation plans at the Shoreham nuclear power plant. As I understand the language, it would merely recommend that FEMA not spend any money during fiscal year 1989 on activities related to the licensing of Shoreham, until such time as the proposed Settlement Agreement between Long Island Lighting Company [LILCO] and the State of New York is dissolved.

Concerning this proposed settlement agreement, it is my understanding that the parties to that agreement have conditioned its effectiveness upon approvals by the New York Public Service Commission, the LILCO shareholders, and the New York State legislature, within a 90-day period following submission of the agreement to the New York Public Service Commission. The agreement was filed on June 23, and therefore the 90-day period expires on September 21.

All parties to the agreement are fully aware of LILCO's intention to proceed with its license application of Shoreham during the 90-day period within which the agreement is maturing, but, if LILCO should be granted an operating license during this time period, it would not allow the plant to operate above its current level of 5 percent power. Quoting from the text of the settlement agreement, dated June 16, 1988:

> LILCO agrees that it will not operate Shoreham pursuant to any authorization to operate Shoreham that may be or has been granted by the Nuclear Regulatory Commission, provided that the settlement becomes effective without modification within 90 days of its filing with the PSC. * * *

Further, quoting from a letter from Bill Catacosinos, CEO of LILCO, to Vic Stello, executive director of the NRC, dated June 1, 1988:

> This letter will confirm our oral advice to you last week that LILCO has reached an agreement in principle concerning a settlement of issues between it and various government agencies in New York State relating to the Shoreham Nuclear Power Station. We are in the process of drafting documents to reflect these agreements. Even after they have been completed and signed, the agreement will not become effective until a number of contingencies have occurred, a process that will take approximately three months. LILCO will continue the licensing of the plant until such time as all contingencies have been satisfied, at which time Commission approval of the transfer of control of the plant and its relevant licenses will be sought. During the three-month period contemplated for satisfaction of the contingencies, the company has agreed not to operate the plant at greater than 5 percent of full power should the Commission remove its present restriction on the license to low power and testing operations.
>
> As soon as documents reflecting the agreement to enter into a settlement have been completed we will provide them to you and your staff. In the meantime, it is the intention and desire of the company to continue the Shoreham licensing process, including the full participation exercise scheduled for next week of the utility emergency plan for the Shoreham EPZ.

The only remaining issue of any significance for licensing of the Shoreham plant is a determination by the NRC concerning the adequacy of the utility's emergency plan for the facility's emergency evacuation zone, and an exercise to demonstrate that plan was conducted on June 7, 8, and 9. I wish to point out to my colleagues that nothing in the report language would preclude FEMA from proceeding with its evaluation of that Shoreham emergency exercise during this fiscal year, and FEMA participation is, in fact, consistent with LILCO's intent and the State's understanding under the proposed Settlement Agreement.

The important point for FEMA to remember is that the language in the report would not disrupt present activities, and would not take effect in any event until October 1, 1988, if at all, depending on the outcome of the proposed Settlement Agreement.

I thank my colleagues for allowing me the opportunity to discuss this matter.

Mr. PROXMIRE. Mr. President, I urge adoption of the conference report on H.R. 4800. The yeas and nays have been ordered as I understand it. Is that correct?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Do Senators yield back the time?

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

Mr. GARN. Mr. President, I yield to the Senator from New Mexico for a brief comment before we vote.

Mr. DOMENICI. I thank the distinguished Senator from Utah.

Mr. President, so that I will not take a lot of time of the Senate, I yield myself 2 minutes.

Mr. President, there are so many people to congratulate on this bill. Obviously, the distinguished chairman is leaving the Senate, and this is the last bill of this type that he will be handling. I have had the privilege of serving with him on this subcommittee, and I compliment him for his priorities and for what he has been able to accomplish in this bill.

Obviously, the Senator from Utah has been a strong proponent of science and the application of science in the American marketplace as part of our future. We were able in this bill, as I view it—and I do not have all of the specific numbers in front of me—to move ahead dramatically in a number of areas that are good for America's future.

For the last 3 or 4 years, the National Science Foundation has engaged in some really exciting activities that America desperately needed, such as university centers in areas of science and engineering. This bill provides sufficient new funding for them to continue down that path—not as much as the President asked for but a substantial increase.

With reference to the space program, obviously this is a very expensive program but most people in our country believe it is worthwhile. We have been able to find the funding to keep it on track and to move ahead with the space station. I am hopeful in the future we are able to pay for it. It will be very difficult. Nonetheless, we moved ahead.

Housing is taken care of better than we expected, and transitional housing for the homeless is provided for better than we expected.

In conclusion, I am hopeful that when we add up all the appropriations bills and the new money that we need for drought relief, we will not break the Gramm-Rudman-Hollings targets and have to have a sequester.

Everyone should know that if you break the target, you get a sequester equal to the amount of the average, including a $10 billion cushion. If the deficit exceeds $146 billion, which includes the $10 billion cushion, the penalty is a sequester down to deficit target of $136 billion. So it is going to be important that we watch all these appropriations bills and keep tabs on them so we do not breach the $146 billion number as we enter the wrap-up days of this session. This bill is within our new 302(b) allocation. We have new money because of the agreement, and I think it is an excellent bill. I hope the Senate will support it. I hope the President will sign it. I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. BYRD. Mr. President, I do not know what the situation will be following the vote. We have made good progress on various measures today. We passed the ocean dumping bill and we are about to adopt the conference report on the HUD appropriations bill.

Several discussions have gone forth with respect to the Contra aid amendment. That seems to be the amendment that is holding up progress on the DOD appropriations bill.

During the vote, I hope to be able to confer with the distinguished Republican leader who has acted in good faith in an effort to reach some agreement whereby we could move forward on the Contra aid amendment.

I hope to confer, as I said, with him during the vote and perhaps right

after the vote we will have something to announce. I suggest that Senators not leave because it could be that the Senate would need to go forward with debate on the Contra aid amendment yet this evening.

I thank all Senators.

The PRESIDING OFFICER (Mr. ADAMS). Who yields time?

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

Mr. PROXMIRE. I yielded back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the conference report. 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 Montana [Mr. MELCHER] 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 Pennsylvania [Mr. SPECTER] is necessarily absent.

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

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—88

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

NAYS—8

Armstrong	Humphrey	Roth
Conrad	Proxmire	Symms
Helms	Pryor	

NOT VOTING—4

Bentsen	Melcher
Biden	Specter

So the conference report was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I ask that the amendments in disagreement be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 1, 17, 18, 24, 30, 51, 56, 57, 58, 62, 64, 70, and 75.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate concur en bloc in the amendments of the House to the amendments of the Senate as previously reported by the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GARN. Mr. President, I move to reconsider the vote by which the Senate concurred en bloc in the amendments in disagreement.

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

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The Senate continued with the consideration of H.R. 4781.

Mr. BYRD. Mr. President, the distinguished Republican leader has been in discussions all day long. He has been working with the White House and with Senators. He has made a good-faith effort to reach an agreement whereby the Senate may work its will on the subject of Contra aid and on the DOD appropriations bill. He has just wound up the most recent of his multifarious meetings during the day, and I sought recognition at this time to inquire of the distinguished Republican leader as to whether or not we can hope for an agreement this evening.

Mr. DOLE. I thank the majority leader.

Mr. President, I announced at noon, at the policy luncheon, that I did not want any more meetings; I had all the meetings I wanted. But I changed my mind. We had another meeting and may even have another meeting. I do not know.

We have had a good discussion with General Powell, representing the President, the White House, and the administration. A number of my colleagues have raised questions, very honestly, about the fact that if we cannot deliver the aid, what is in it?

So we have been discussing the transportation and waiting for the final draft, which I understand is just about to be made available, so that some of our colleagues may take a look at it.

In the meantime, we have been trying to get two time agreements—one on an amendment I could offer, the proposal of Senator DOLE and others. If that failed on the supplemental, I assume we would dispose of the supplemental appropriations, and we would be back on the DOD appropriations bill. At that time, the distinguished majority leader may be joined by the minority leader, depending on what transpires. There would be a second amendment, and, hopefully, we would get a time agreement on that.

Right now, I am not in a position to say I have that agreement. I think we are fairly close to getting a time agreement on the Dole proposal—maybe 4 hours, equally divided.

I think they are still checking on the Byrd agreement. But until three or four of my colleagues can see the transportation language, I am not in a position to say whether there will be any agreement. I think it is a reasonable request. It is a reasonable provision. It is the key to the entire package. It may be ready momentarily.

That is about where we are. The Senator from Oregon is here, and I think he had some question on a time agreement on the first proposal. Whether he would be willing to give any time agreement——

Mr. PACKWOOD. I am not sure.

Mr. DOLE. So, with reference to the Dole amendment, I do not have 100 percent agreement on our side.

Mr. BOREN. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. BOREN. I say to the two distinguished leaders that I was just finishing another one of the meetings with those working on the final, unresolved questions on the delivery system. It is my understanding, and this was with General Powell's assistant——

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend.

The Senate is not in order. The point of order is well taken. The Senate will be in order so that everyone may hear the Senator from Oklahoma.

Mr. BOREN. I thank the Chair.

We have now concluded that meeting and have concluded on a very agreeable basis. I understand that now, really, the only thing left is that they are actually putting the handwritten words in typewritten form so that everyone can read it and have it available. I am hopeful that the copy will be in the hands of both sides right away.

As I say, we have concluded totally our negotiations on this matter and have finalized the agreement in terms of the delivery system and the language, both humanitarian and the

military aid, if it were released by a vote of Congress.

So I would express the optimism of the leaders that it should be in the hands of both sides of the aisle very shortly, in a matter of minutes. I am sure that General Powell's representative is now reporting to him on the substance of those final agreements.

So I hope it can be concluded rather quickly. There are no surprises in terms of what is being put down on paper and faithfully rendering what those agreements will be.

I say to the two leaders that that should be available very shortly, and perhaps we will be in a position to make a final decision on the recommendation of the administration as to the delivery system language.

Mr. DOLE. In the event we had the agreement and were able to start in the morning, or maybe even this evening, do I correctly understand that if we were able to dispose of the Contra question, then we could agree on the Defense authorization bill by agreement? If we could dispose of the Contra questions and then, through unanimous consent or somehow, dispose of the Defense authorization bill, (a) by referral in the appropriations bill or (b) separately, would that pretty much dispose of both packages, both Defense authorization and the DOD appropriations?

Mr. NUNN. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. NUNN. From the perspective of the authorizing committee—and I am sure the appropriating committee would have a broad perspective on this bill—I would say that that would be the ideal way to proceed, so far as we are concerned.

I have talked to Senator WARNER at length about this, and we visited with several Republican members and visited with the two leaders, and we have gotten together a tentative leadership agreement that would be along the line the minority leader just described, which would mean that we would put the authorizing bill, as passed by the Senate, as an amendment to the appropriations bill. Hopefully, we would also pass that as a separate piece of legislation by unanimous consent, without much debate.

Then we would avoid those amendments that were simply duplicative of what we had already done in the authorization with particular amendments that had been turned down by the Senate when we were debating the authorization bill, and then we would proceed to amendments relating to the appropriations bill. I do not know how many there are. We have several in our committee that we have been working with the appropriating committee on.

I do not think we will have a lot of time to spend on those, perhaps an hour or so. I do not know what other amendments there are, but I am sure the Senator from Louisisana would have a good view of those. I do not know why we could not finish that bill in a reasonable period of time, with the disposition of Contra, and if we proceed along this line.

Mr. JOHNSTON. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. JOHNSTON. Mr. President, the Senator from Georgia has correctly stated it. We have worked with the authorizing committee. We have come up with a formula for dealing with the authorization bill, which is to put it on the Senate-passed authorization bill and thereafter to resist any amendments to the authorization bill, including all the arms control amendments, including sense of the Senate, that refight the battles of the authorization bill.

In other words, we take the Senate authorization bill, let the authorization committees meet informally, and then be prepared we think, to adopt the fruits of their labor in the appropriations bill.

That would leave open to amendment the appropriations bill, but we would expect that we could work that out. We have been working with the Senator from Alaska on a resolution of the number at which we go to conference on SDI and we hope we could have that worked out.

There are a number of other items, not very many in number, but if we really put our heads to it we might even finish up tomorrow if we got started early.

So we are prepared to move with great dispatch tomorrow if the agreement is put together.

Mr. STEVENS. Mr. President, will my friend yield at that point?

Mr. BYRD. I am glad to yield.

Mr. STEVENS. Mr. President, it is my understanding, I say to the Sentor from Louisiana, that the Senators from Mississippi and Oregon objected to incorporating the defense bill into the appropriations bill as an amendment. They had no objection to incorporating it by reference or to passing the other bill separately.

But I hate to speak for the Senator from Oregon. My understanding is both of them are going to object to combining the conferences as would happen if it were an amendment to the bill. I would like to check that before we agree to that.

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

Mr. BYRD. I yield.

Mr. NUNN. It is my understanding in the sheet of paper we handed out, and I thought the Senator from Alaska was there, we had that explicitly in there. We passed it both ways, as an amendment to the appropriations bill and as a separate bill. That is what we have been talking about all along with the Republican colleagues. I thought I talked about that with the Senator from Alaska.

Mr. STEVENS. The Senator is correct. I was involved in that.

I am reporting that it is my understanding the Senator from Oregon reflected both he and Senator STEVENS objected to merging the two bills by putting the authorization bill on to the appropriations bill as an amendment.

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

Mr. NUNN. If the Senator will yield, it is not the amendment of the appropriations bill with the authorizing bill that was objected to, but rather the blending of the two conferences and the way that was going to be handled was to pass a separate authorization bill. So we really need be normally in conference with the House on the authorization bill at the same time the appropriations were in conference on the appropriations bill, and then the appropriators would have the benefit of our authorizing bill conference deliberations as we went along.

So it was not to keep those two separate on the appropriations bill, but rather to keep the two conferences separate we were talking about.

Mr. STEVENS. If the Senator will yield again, there is no objection to that except it is going to end up if one bill is vetoed they are both vetoed, as it may be.

If we had the procedure we suggested, if one bill were vetoed the other would survive. I am not predicting a veto. Do not misunderstand me. But I do think the Senator from Oregon, as our ranking member, the former chairman, should be heard on that question.

Mr. NUNN. Mr. President, I say to my friend from Alaska the problem with that is he may be right with the final outcome. I could not argue with him about the possible result of that. I say the only way we are going to avoid amendment after amendment after amendment on this appropriations bill is to put the authorization bill on; otherwise, everybody who had an amendment to the authorization bill, including everybody on the committee on both sides of the aisle, is going to want to make sure that the provision is on the appropriations bill.

We will either do them one at a time, which we are trying to avoid, or we will put that on the appropriations bill because everybody realizes since he vetoed the authorization bill one time he may very well veto it again.

But I am hoping we can get in conference and the administration will come back after the Republican Convention and be willing to work with us in September to try to get differences ironed out where there is a less politi-

cal atmosphere and we would make some progress on both bills.

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

Mr. STEVENS. Does the Senator suspect we are going to have a less political atmosphere in September than we have now?

Mr. JOHNSTON. Will the Senator yield?

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from West Virginia has the floor and has yielded to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I think the problem on the conference was making the Armed Services members formal members of the appropriations conference which was in fact objected to but which is a problem I think we have worked out by agreeing either to have the authorization bill passed separately with a formal conference or have the authorization bill passed by reference and the appropriations bill with the conference on the authorization informal where we would have a gentleman's agreement that we would respect at least insofar as possible the agreements as reached by the authorization conference.

So we do not think we would have any problem on that, and I hope that would make it work.

Mr. DOLE. Mr. President, will the majority leader yield further?

Mr. BYRD. I yield.

Mr. DOLE. If I am correct in this assumption, if we finished the DOD appropriations bill, did the authorization agreement, worked out the Contras, and did some nominations that are pending, when all that work is completed, would that be about what the majority leader intends to do between now and the time we recess?

Mr. BYRD. Yes, DOD appropriations bill, the DOD authorization bill, the emergency supplemental, and I understand there may be a Labor-HHS appropriations bill conference report tomorrow, possibly, and perhaps an Interior appropriations bill conference report.

Mr. JOHNSTON. I do not think we would do that.

Mr. BYRD. The Senator from Louisiana indicates he does not think we would do that but possibly Labor-HHS, I understand. That is it.

Mr. DOLE. If we get an agreement, I say to my colleagues on both sides, that we could start fairly early in the morning, it seems to me we could dispose of all these things tomorrow and maybe have 1 extra day for us on this side to get ready for the big event, whatever it is.

Mr. BYRD. I think that would be admirable and it would be very much desired.

Mr. DOLE. I would hope with that in mind some Senators who asked for all the time would talk less. We are up to 3 hours and 20 minutes on my side alone on my amendment. I do not know that that is good or not but it is 3 hours and 20 minutes. Maybe with the thought of being released a bit early some maybe would talk less.

Mr. BYRD. Yes, if we could reach an agreement. Perhaps we could utilize some of that time for debate yet this evening with the understanding that the votes would occur tomorrow, and I would think we ought to stay in and try to get that agreement yet today, because it only leaves us 2 days at the most, and hopefully we could finish tomorrow.

Mr. COHEN. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. COHEN. I think we could perhaps shorten the length of the debate tonight, whether we are going to get agreement or not, by resolving the issue of transportation.

It is my understanding that in the package prepared by the majority leader, with regard to the transportation of the humanitarian assistance, there would be no agency participation permitted, no DOD participation, and no State Department transportation, other than AID. Am I correct in that?

Mr. BYRD. Yes, I think the Senator is correct.

But let me have Senator BOREN who I believe is in the cloakroom come to the floor because he has been in conference.

Mr. COHEN. Federal Express is precluded.

In other words, Members on this side should be under no illusion that there would be any source of transportation other than the current methods allowed through AID?

Mr. BYRD. I would like to have Senator BOREN respond to that or Senator DODD.

Mr. DODD. Mr. President, will the majority leader yield?

Mr. BYRD. Yes, I yield for that purpose.

Mr. DODD. Mr. President, the Senator from Maine has characterized it I think accurately. I think there is a provision with regard to if we reach the threshold on the lethal assistance, at that particular juncture the question of whether or not humanitarian assistance could be delivered at that point, if in fact the Congress voted for that and then there is the issue that it is agreed to allow humanitarian assistance could be delivered in that but only to the extent that the lethal assistance is delivered. Once that delivery is completed, then the earlier provisions that would apply to humanitarian aid would be reinvoked.

Mr. COHEN. Then prior to passage of lethal aid there is no other way of transporting humanitarian assistance other than through AID?

Mr. DODD. It says through AID and then through whatever other vehicles may be available but not from the intelligence community.

Mr. COHEN. Intelligence or defense?

Mr. DODD. I am sorry.

Mr. COHEN. Intelligence or defense, or just intelligence?

Mr. DODD. I think it speaks to intelligence specifically, but I think that would include DIA, for instance, that would fall under that general heading.

Mr. COHEN. I thank the Senator for yielding.

Mr. BYRD. Senator BOREN will be here shortly and he will respond.

Well, as I understand the distinguished Republican leader, he would like to have an opportunity to call up his amendment to the dire emergency supplemental and have a certain amount of time for debate on that amendment. And then we would get also a time agreement on my amendment and hopefully the distinguished Republican leader would be in a position to join in sponsoring that amendment so that it would be a bipartisan amendment.

In the event the minority leader's amendment were to be disposed of, then we would go to the Byrd-et al amendment with an agreed-upon time limit. Then, after we dispose of that, that would be the Contra aid issue, with the understanding that no other Contra amendments would be in order. Then we could go to the other matter that Senators have been discussing in relation to the appropriations bill and we may be able to finish the bill tomorrow.

May I say to the Republican leader that we would need to do the conference report on the urgent supplemental before we leave if we could possibly do that. It would be desirable to do the conference report on the urgent supplemental, also, before we go out, if at all possible.

Mr. DOLE. Right. The House is in session, as I understand it, through Thursday, so we could still do that.

I believe, if I understand it correctly, the majority leader would not want to start on my amendment to the supplemental unless there is a time agreement on his amendment to the DOD appropriations, is that correct?

Mr. BYRD. Yes, I would like to have an agreed time limit on both before we begin.

Mr. DOLE. It just occurs to me that, with all the requests on my side, we might be better off to start off without an agreement. Sometimes everybody signs up for 5 or 10 minutes. We are up to, as I said, 3 hours and 20 minutes and still growing.

But, as I understand the majority leader, he would not want to move on either amendment unless there was an agreement on both.

Mr. BYRD. Yes; have a time agreement on both so that we would be assured that action would be taken on both tomorrow.

Mr. DOLE. Or Thursday?

Mr. BYRD. Well, I would like for action on both amendments tomorrow. I think that would be necessary in order to complete the action on the DOD appropriations bill by no later than Thursday at the close of business.

Mr. President, I will suggest the absence of a quorum. I would suggest that Senators stay around because, as I understood it earlier, Senators were merely waiting to see the handwritten language in typed form. It seems to me that ought to have been done by now.

Mr. President, I understand that the typed language is ready now, so I will put in a quorum call to give Senators a little time to review it.

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. STEVENS. 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. STEVENS. Mr. President, the Senator from New Hampshire and I were just reminiscing concerning the time we spent in the leader's office, talking about the majority leader's office, last December talking about the issue of the Contras for three nights in a row, I think it was. The distinguished Senator from West Virginia was there as our leader and as a participant.

We are of the opinion—and I speak for my friend from New Hampshire, too—that we are very close to suggesting to our leader that we try to merge these two efforts now and try to get a Byrd-Dole amendment that we could all support. It is my understanding from the conversation I had with General Powell earlier today that that is very close and it would take a very small, small concession on the part of our majority leader to achieve that.

Now, that is just from my point of view. I am not speaking for our leader. But I think we are so close that we would like to have a chance to convince some of our people of the problems we went through for so many hours and why this proposal is almost at the point where we ought to join together.

I will yield to my friend from New Hampshire, but my plea to the majority leader and to the Republican leader is to not press this to a time agreement tonight and see if we cannot take that one last effort to get together. The message that we would send, united, to the Sandinistas and the Contras is much more important than the record that will be made of each of us backing our respective leaders.

Mr. RUDMAN. If the Senator will yield for one moment without giving up his right to the floor.

Mr. STEVENS. Yes.

Mr. RUDMAN. Mr. President, I would just address this to both leaders. The Senator from Alaska and I, as both of the leaders know, have been involved in these negotiations pretty heavily for the past 3 years; not as much this year. But, from our vantage point on the Defense Appropriations Committee, it seems to fall our lot each year to get involved in this.

I want to just make an observation. The Senator from Georgia talked about the political atmosphere. And I guess that is an accurate comment. I read what is coming out of Central America, and it just occurs to me—particularly with respect to recent references by the President of Nicaragua, that, "If the Congress does this or the Congress does that, you better look out because I will do such and so," and I do not have to quote it at length; we have all read it—that far more important than any political statement that might inure to the benefit of any political party—and I am not sure anything does—if we could make a final accommodation and speak with a united voice on a program that we can all vote for, or at least the majority vote for, without having first a Dole amendment, which will probably be defeated, and then another amendment, which probably then will pass, it will be far more important to what is going on in Central America if, even in this election year, we could speak with one voice.

Now, let me just add this. I think the majority leader, who has dealt in the most complete good faith in this—and we all know that—carries an additional burden here because of some history from last year in the House of Representatives concerning whether or not another vote would take place.

I do not think there is anyone here that doubts in any way on this side the word of the majority leader of this Senate. His word is his bond and we all know that.

The problem we have had is that in the past there has been some problems on the other side, in the other House.

But it seems to this Senator, at least, with the assurances from the Speaker of the House given to our majority leader and our Republican leader, with that many parties to it, there certainly is a strong assurance that this will get a vote even on the vehicle on which it is going to be offered.

So I would just wind up, Mr. President, by saying that I sincerely hope that, in the time that remains this evening for negotiations, we could forge whatever remains to be done on this one piece of legislation and have it as a Byrd-Dole amendment with overwhelming support. If you want to send a message that is important to Central America, let us send a united message instead of having a mixed message which, if anybody thinks the American people watch this place microscopically, they have not been home lately. And to get a message out of this Senate that one vote fails by 50-something to 40-something, and the next one passes by 82 to 18, I wonder if the American people know what we are saying here. I think we ought to speak with one voice.

I thank the Chair and I apologize to the majority leader for taking this much time.

Mr. STEVENS. Mr. President, I yield the floor.

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.

MORNING BUSINESS

Mr. BYRD. Mr. President, while the discussions are still going on offstage, I ask unanimous consent that there be a period for morning business.

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

MESSAGES FROM THE PRESIDENT

Messages 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.)

MESSAGES FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1158) to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1979. An act to establish the Grays Harbor National Wildlife Refuge;

S. 2200. An act to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month; and

S. 2561. An act to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 120. A concurrent resolution urging the Government of Iran to respect the human rights of members of the Baha'i faith, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5174. An act to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 593. An act to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicated of such medals for sale to the public;

H.R. 1491 An act to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction;

H.R. 4180 An act to establish a mining experimental program on critical minerals, and for other purposes;

H.R. 4665 An act to allow the obsolete submarine ex-*Growler* (ex-SSG-577) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period;

H.R. 4754 An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes;

H.R. 5141 An act to delay temporarily certain regulations relating to sea turtle conservation; and

H.R. 5090 An act to implement the United States-Canada Free Trade Agreement.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 61. A concurrent resolution entitled: "Volunteers and the Importance of Volunteerism."

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 892. An act to remove the right of reversion to the United States in lands owned by the Shriner's Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake City, UT.

H.R. 1860. An act entitled the "Federal Land Exchange Facilitation Act of 1988";

H.R. 3932. An act to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; and

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STENNIS).

At 5:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, 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 bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 3, 6, 13, 23, 73, 76, and 81 to the bill, and agrees thereto, and it recedes from its disagreement to the amendments of the Senate numbered 1, 17, 18, 24, 30, 51, 56, 57, 58, 62, 64, 70, and 75 to the bill, and agrees thereto, each with an amendment in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1149. An act to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction; to the Committee on the Judiciary.

H.R. 4180. An act to establish a mining experimental program on critical minerals, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4665. An act to allow the obsolete submarine ex-*Growler* (ex-SSG577) to be transferred to the Intrepid Sea Air Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

Pursuant to the provisions of 19 U.S.C. 2191(c), the following bill was read the first and second times by unanimous consent, and referred jointly, as indicated:

H.R. 5090. An act to implement the United States-Canada Free Trade Agreement; referred jointly to the Committee on Finance, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, and the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 593. An act to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicates of such medals for sale to the public.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5141. An act to delay temporarily certain regulations relating to sea turtle conservation.

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-3722. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the fourth quarterly commodity and country allocation table for fiscal year 1988; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3723. A communication from the Administrator, U.S. International Development Cooperation Agency, Agency for International Development, transmitting, pursuant to law, a report on two violations of the Anti-Deficiency Act; to the Committee on Appropriations.

EC-3724. 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-3725. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the State Energy Conservation Program for calendar year 1987; to the Committee on Energy and Natural Resources.

EC-3726. 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-3727. 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-3728. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the project entitled "The Nucla CFB Demonstration Project"; to the Committee on Energy and Natural Resources.

EC-3729. 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-3730. 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-3731. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report for the fiscal year 1987 on the Federal Government Energy Management; to the Committee on Energy and Natural Resources.

EC-3732. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's biennial report on the state of the knowledge of the Earth's upper atmosphere; to the Committee on Environment and Public Works.

EC-3733. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on authorized and projected projects; to the Committee on Environment and Public Works.

EC-3734. A communication from the Chairman, Cultural Property Advisory Committee, U.S. Information Agency, transmitting, pursuant to law, a report on the Committee's findings and recommendations as to how the U.S. Government should respond to the May 1988 request of the Government of Bolivia for emergency U.S. import restrictions; to the Committee on Finance.

EC-3735. A communication from the Commissioner of Social Security transmitting, pursuant to law, a report on a new initiative to improve the earnings statements which are issued to workers upon request; to the Committee on Finance.

EC-3736. A communication from the Assistant Secretary, Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report on Application of Travel Restrictions to Personnel of Certain Countries and Organizations; to the Committee on Foreign Relations.

EC-3737. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 4, 1988; to the Committee on Foreign Relations.

EC-3738. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report of the Administration of the Government in the Sunshine Act for the Calendar Year 1987; to the Committee on Governmental Affairs.

EC-3739. A communication from the Manager of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the 1987 Federal Home Loan Mortgage Corporation Employees' Pension Plan Annual Report; to the Committee on Governmental Affairs.

EC-3740. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-234 adopted by the Council on July 12, 1988; to the Committee on Governmental Affairs.

EC-3741. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-235 adopted by the Council on July 12, 1988; to the Committee on Governmental Affairs.

EC-3742. A communication from the Plan Administrator, Farm Credit Retirement Plan, the Production Credit Associations' Retirement Plan, transmitting, pursuant to law, the audited financial statement for the plan year ending December 31, 1987; to the Committee on Governmental Affairs.

EC-3743. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-236 adopted by the Council on July 12, 1988; to the Committee on Governmental Affairs.

EC-3744. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a quarterly report on the number of waivers for refugees granted under sections 244(a)(1) and 244(a)(2) of the Immigration and Nationalization Act and a summary of the reasons; to the Committee on the Judiciary.

EC-3745. A communication from the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, transmitting, pursuant to law, a report of the Lupus Erythematosus Coordinating Committee; to the Committee on Labor and Human Resources.

EC-3746. A communication from the Chairman, National Commission to Prevent Infant Mortality, transmitting, pursuant to law, a report entitled "Death Before Life: The Tragedy of Infant Mortality"; to the Committee on Labor and Human Resources.

EC-3747. A communication from the Director, Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a copy of the 1987 fiscal year annual report of the Commission; to the Committee on Labor and Human Resources.

EC-3748. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, a copy of the Administration's Annual Report for the Fiscal Year 1987; to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2221. A bill to expand our national telecommunications system for the benefit of the hearing-impaired, and for other purposes (Rept. No. 100-464).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2570. A bill to authorize appropriations for the local rail service assistance program (Rept. No. 100-465).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2701. An original bill to authorize appropriations for the National Bureau of Standards for fiscal year 1989, and for other purposes (Rept. No. 100-466).

By Mr. BURDICK, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 1751. A bill to require vessels to manifest the transport of municipal or other vessels nonhazardous commercial wastes transported offshore to ensure that these wastes are not illegally disposed of at sea (Rept. No. 100-467).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2102. A bill to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes (Rept. No. 100-468).

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment:

S. 2605. A bill to amend the Immigration and Nationality Act to extend for 3 years the authorization of appropriations for refugee assistance, and for other purposes (Rept. No. 100-469).

By Mr. PROXMIRE, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 1989" (Rept. No. 100-470).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Ronald A. Cass, of Massachusetts, to be a member of the U.S. International Trade Commission for the term expiring June 16, 1996;

Salvatore R. Martoche, of New York, to be an Assistant Secretary of the Treasury; and

Don E. Newquist, of Texas, to be a member of the U.S. International Trade Commission for the term expiring December 16, 1997.

(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. DODD (for himself, Mr. PELL, Mr. STAFFORD, Mr. HATCH, Mr. KENNEDY, and Mr. HARKIN):

S. 2698. A bill to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

By Mr. HECHT:

S. 2699. A bill entitled The Nevada Land Sales and Lease Facilitation Act of 1988; to the Committee on Energy and Natural Resources.

By Mr. QUAYLE:

S. 2700. To amend the Employee Retirement Income Security Act of 1974 to modify the requirement that the Pension Benefit Guaranty Corporation institute proceedings to terminate certain pension plans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS from the Committee on Commerce, Science, and Transportation:

S. 2701. An original bill to authorize appropriations for the National Bureau of Standards for fiscal year 1989, and for other purposes; placed on the calendar.

By Mr. LEVIN (for himself, Mr. DIXON, Ms. MIKULSKI, Mr. MURKOWSKI, and Mr. SIMON):

S. 2702. A bill to provide OPIC insurance, reinsurance, and financing to eligible projects in Poland; to the Committee on Foreign Relations.

By Mr. FORD (for himself, Mr. LEAHY, Mr. DOLE, and Mr. CONRAD):

S. 2703. A bill to amend the Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Mr. SIMON):

S. 2704. A bill to require that certain Federal entities and certain non-Federal entities receiving Federal financial assistance provide television sets that display closed-captioning, to eliminate the payment to federal employees traveling on official business of lodging expenses incurred at a place of public accomodation that does not, on request, provide guests with guest rooms furnished with televisions that display closed-captioning, and for other purposes; to the Committee on Finance.

By Mr. EXON:

S.J. Res. 362. Joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SARBANES:

S.J. Res. 363. Joint resolution designating November 28 through December 2, 1988, as "Vocational-Technical Education Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 456. Resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Alcee Hastings; considered and agreed to.

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 457. Resolution to direct the Senate Legal Counsel to represent Senator Kerry in the case of Beauxhamp vs. Kerry (Mass. Sup. Ct.); considered and agreed to.

By Mr. DODD:

S. Con. Res. 137. Concurrent resolution to provide the use of the Rotunda of the Capitol in honor of John F. Kennedy; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. PELL, Mr. STAFFORD, Mr. HATCH, Mr. KENNEDY, and Mr. HARKIN):

S. 2698. A bill to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ACT

● Mr. DODD. Mr. President, today I am introducing a bill for myself and my colleagues, Senators PELL, STAFFORD, HATCH, and KENNEDY, S. 2698, to provide Federal Assistance to the newly created National Board for Professional Teaching Standards. Funds provided under this legislation would be used, over 3 years, for preliminary research and development of comprehensive and fair methods of assessment for the certification process established by the Board.

The creation of the National Board for Professional Teaching Standards was one of the key recommendations made by the Carnegie Forum of Education and the Economy report entitled, "A Nation Prepared: Teachers for the 21th Century." The Board was established by the Carnegie Forum in May 1987 as an independent and voluntary national teacher assessment and certification board.

Today, more than ever before, a knowledgable and skilled work force is essential to the economic strength and security of our Nation. Many more jobs demand a grasp of technological skills. More businesses are competing in the international marketplace. The dynamics of the marketplace make it inevitable that our competitiveness will diminish if our schools do not adequately educate and motivate our youth. We are heading in that direction if we do not make a concerted effort to bolster the foundations of our educational system.

Unfortunately, our educational system is falling short. We do not have enough qualified math, science, and foreign language teachers. In many communities, teacher morale is low, test scores are falling and student dropout rates are rising. The challenges facing schools and teachers are ever increasing. In this environment, the task of educating students is one of vast proportion and one that must be dealt with in a timely fashion.

Efforts on behalf of the Federal, State, and local governments to improve the educational system, and there have been many, are insufficient without a strong and dynamic teaching force. The success of any educational program depends on the enthusiasm, commitment, and knowledge of its teachers. And, the nature of the marketplace and the condition of our educational system make the need for qualified and committed teachers greater today than ever before. It is essential that we support efforts to expand the force of qualified teachers and, in turn, reinforce the foundation of the educational system.

That is why the establishment of a voluntary, national certification board is revolutionary and timely. I am confident that a national, voluntary certification process would only help to improve the education of our youth and the treatment of teachers. The Board, chaired by James B. Hunt, Jr., former Governor of North Carolina, has designed the voluntary certification process to parallel, and not conflict with or replace, State licensing. Of the 64 members that make up the Board, two-thirds are from the teaching profession, one-third from State and local government and school administration. Clearly, the Board's design is in the best interest of teachers. Its voluntary nature gives each teacher the option of, but does not require participation. But, the certification will give teachers a set of national standards they can use to gain well-deserved recognition and respect for their abilities.

I believe a voluntary teacher certification process would help raise teacher standards, performance, and pay, and thus improve the effectiveness and quality of the teaching profession. It would provide more uniform national criteria for States to use in the upgrading licensing standards and teacher education programs. It would also provide uniform measurement techniques for school districts to use in developing new hiring and promotion standards. Taken together these reforms would help schools to attract the best and the brightest applicants to teaching by raising the visibility and rewards of the profession.

To ensure that the assessment methods used to qualify teachers for certification are thorough and fair, S. 2698 would make up to $25,000,000 available to the Board for comprehensive research and development. The bill does not provide assistance for administrative costs. The legislation also requires that the Federal funds be matched dollar for dollar by the funds raised privately by the Board. Priority for use of the Federal funds would be given to research and development activities in the subject areas: mathematics, the sciences, foreign language, and literacy. And, the Board would be asked to give priority to projects which will improve the knowledge and ability of teachers that work with students of limited English proficiency, the talented and gifted, the handicapped, and those that are economically and educationally disadvantaged.●

● Mr. PELL. Mr. President, I am very pleased to join my colleagues Senators DODD, STAFFORD, HATCH, and KENNEDY, in introducing The National Board for Professional Teaching Standards Act of 1988. The legislation we are introducing today represents a landmark in our journey toward educational excellence.

In 1983 former Secretary Bell published "A Nation At Risk", the first such publication to sound the alarm that education in this Nation needed massive reform. Since that time we have embarked on a mission to save

our schools from mediocrity. State and local governments have been the chief architects of a massive nationwide effort for school improvement. And at the Federal level, we have sought to provide incentives and assistance to State and local eduational agencies for innovative programs, improvements in curriculum, and upgrading of instruction in areas of national priority like math and science.

Reforms have focused primarily on increasing course requirements, tightening standards, and redesigning curriculum. But while many of these reforms have enjoyed a considerable degree of success, there is much work that remains to be done.

There is no question that the most critical part of the educational equation is the teacher. The quality of education in each school, in each school district, in each State, and in this country will reach only as far as the quality of our teachers.

I am deeply troubled by the fact that the teaching profession is itself at great peril. It is perhaps the most undervalued profession in America today. This, in turn, has had a direct effect on the number and quality of people who are attracted to the teaching profession. It is estimated, for example, that we will need 200,000 new teachers annually over the next 7 years. Colleges of education, however, graduate only 100,000 a year. In addition, low pay, long hours, and little recognition has often meant that the most talented of our college graduates seek careers other than teaching. This is a troubling situation, indeed, and one that is the very core of the crisis we face in educational quality.

I have said many, many times that the real strength of this Nation is measured not by our weapons of destruction, nor by our machinery of construction, nor even by the amount of gold in Fort Knox. It is measured instead by the sum total of the education and character of our people. In that regard, we need to encourage our best and our brightest to become teachers

We entrust the intellectual, social, and psychological development of our children, and consequently the future of this Nation, to our teaching force. Truly, this solemn responsibility provides strong argument that teaching should be the noblest profession in our society. In the words of Martin Luther,

"Count it one of the highest virtues upon earth to educate faithfully the children of others.

The legislation we are introducing today seeks to attract the best and brightest candidates to teaching by revitalizing this occupation with a strong dose of professionalism. Our bill would provide $25 million over 3 years for research and development carried out by the National Board for Professional Teaching Standards to develop a voluntary national certification program for teachers.

The research and development required for such an undertaking will be considerable. The project will take 3 to 5 years to complete and the total cost will be $50 million. In that regard, it is very significant that the Board has agreed to match, dollar for dollar, the Federal contribution of $25 million.

Board certification will require the development of assessments in basic academic areas such as English, mathematics, science, and social studies. In addition, it will require assessments in biology, chemistry, and physics. It will require separate tests for elementary school teachers and for secondary school teachers. And it will require measurement of the ability to teach as well as measurement of subject mastery. For, in the words of Cardinal Newman,

To discover and to teach are distinct functions, they are also distinct gifts, and are not commonly found united in the same person.

Once the tests are developed, teachers will be able to sit voluntarily for national certification. Obtaining board certification will make these teachers more attractive to State and local educational agencies. This, in turn, will encourage States and localities to provide greater rewards to attract certified teachers.

But the most fundamental contribution of national certification is that it will establish a standard of professionalism in an occupation that has heretofore been largely taken for granted. It will enable teachers, much like physicans or lawyers, to prove that they have met the rigorous standards of their occupation. In short, national certification offers teachers indisputable and independent confirmation of their ability.

While we are all mindful of the need to be fiscally responsible, $25 million is a modest but powerful investment in a national certification procedure which will return that investment many times over. For by attracting excellent teachers to our schools we make our schools excellent. In that regard, it is my strongly held belief that in the words of President Franklin D. Roosevelt,

The school is the last expenditure upon which America should be willing to economize.

Our legislation provides assurances that the research and development of teaching assessments will be of the highest quality. It ensures that a wide range of teaching and research institutions will participate in the development of these assessments. It requires that the Board publish plans for specific research projects to be conducted with Federal funds, and that the Board provides ample opportunity for the educational community to comment on these plans before they are finalized. In addition, our legislation stipulates that the Board provide an open competition of the federally funded research grants so that the highest quality research may be brought to bear on the development of teacher assessments.

The most critical aspect of this legislation is that teachers are integrally involved in the development of teacher certification tests. One-half of the Board, in fact, must be comprised of teachers. The remainder of the Board members are public officials including Governors, private sector leaders, and prominent educators throughout the country, including school administrators. This composition guarantees that teachers have the plurality vote in designing research projects and awarding research grants.

The Subcommittee on Education, Arts, and Humanities held a hearing in February to examine the idea of establishing voluntary standards of competence for public schoolteachers. At that hearing, both the National Education Association and the American Federation of Teachers supported this idea.

In addition, we were very fortunate to have Susan Kaplan testify at that hearing. Ms. Kaplan is an English teacher at Classical High School, a trustee of Brown University, and a member of the National Board for Professional Teaching Standards. She is uniquely suited to discuss the concept of voluntary certification, for she is an outstanding teacher with 27 years of teaching experience. At the hearing, Ms. Kaplan indicated that—

No proposal has generated as much lively debate or offered such cogent arguments for strengthening teaching as a profession and improving the quality of education in our schools as has the National Board.

As Ms. Kaplan so aptly indicated at our hearing, board certification offers teachers a level of professionalism that is currently available only in other occupations. It establishes a rigorous standard of performance. It lets parents, school administrators, and students know that their board-certified teachers are the best and brightest this country has to offer. Most significantly, it enables a certified teacher to point with pride to being nationally recognized for meeting a high standard of professionalism.

It is also important to note that this legislation is voluntary. It by no means seeks to impose these standards on State or local educational agencies. Teachers may voluntarily sit for certification—they will not be required to do so. In addition, State boards of education will not be required to adopt these certification procedures, but rather may elect to use them.

Mr. President, the legislation we offer today begins our long journey

toward making teaching an honored and valued profession. Such recognition is long overdue. In Japan teaching is a highly valued profession and a very competitive occupation. Consequently, Japanese teachers have strong academic backgrounds and are well-respected. A staggering 30 percent of college graduates in Japan earn teaching certificates. That compares with a low 8.5 percent in this country.

Our productivity in the future will be determined by the quality of our teaching force today. Christa McAuliffe perhaps summed it up best when she said, "I touch the future, I teach". It is the future that is at stake in the National Board for Professional Teaching Standards Act. In that regard, we have a choice—we have the choice to attract the best candidates to our schools by making teaching more attractive, or we can continue with the present status quo—to demand much from our teachers, but offer little in return.

It is with this in mind that I commend this legislation to my colleagues and hope that they will join us in its active support.●

Mr. HATCH. Mr. President, I am pleased to join as an original cosponsor of S. 2698, which authorizes up to $25 million to support research by the National Professional Teacher Standards Board during its first 3 years. With this one-time-only Federal assistance, the NPTSB will begin to develop a new, voluntary, and rigorous Supplementary Teacher Certification Program.

I have thought long and hard about whether to cosponsor this bill because of the possibility that the Board could be used as a mechanism for imposing Federal teacher standards on local and State schools. I believe that, however, if American education is to be significantly improved, we must be willing to take bold new steps to enhance the caliber and professional status of teachers. My colleagues Senators DODD and PELL have alleviated my concerns and those of other Republicans and have formulated a bill which will fund development of a new certification program without intruding into States' and localities' traditional, primary responsibility for education.

Over the last several years, we have all become aware that, good as it is, American education must become even better. Only a good education ensures that each student will have the opportunity to take advantage of all that our society has to offer. Providing a good education is also necessary to our own national security, to our ability to compete on the international scene with other nations in an increasingly interdependent world economy. Initially, we need to do a better job of teaching the basic skills and of keeping our students in school. Across the country, the dropout rate is far too high, and those students who do graduate often lack skills necessary for the workplace. But American students must do more than learn the basics; they must move beyond elementary literacy to attain higher order analytic skills. American students must once again attain advanced competency in mathematics, sciences, and foreign languages. It would be short sighted not to recognize that these common problems and national needs are reflected in the education offered in communities across this country.

I also believe that teachers, cooperating with concerned parents, are central to educational reform. The teacher's preparation, teaching skills, and professional status must be upgraded. A rigorous new supplementary and voluntary national teaching certification process, to be implemented by the National Professional Teacher Standards Board, is one means to enhance all three—the preparation, skills, and professional stature of teachers. Most teachers do an outstanding job. In my own home State of Utah, for example, teachers have done an excellent job despite large classes and less per-pupil expenditures than in many other States. I have also been impressed by the recent innovative steps implemented by both the American Federation of Teachers and the National Education Association—steps to involve parents and local communities more fully in schools, to try new methods of teaching and pay, and to inject principles of accountability into education.

Let me note a few of several provisions of this bill which, I believe, make it compatible with the traditional allocation of responsibility for education in our Federal system. Of primary importance is the stipulation in the bill that possession of the new teacher certificate granted by the NPTSB, to any teacher who has successfully submitted to this additional procedure, grants no new Federal right to be hired, promoted, or retained by a local school district. Such decisions remain the right of the local education agency. Also, any Federal moneys for this project will be used only for research into teacher training and performance standards and not for administrative expenses of the Board. Furthermore, they must be matched up front, in cash, from non-Federal sources. Additionally, the taxpayer funded research done by the NPTSB will be available, for only printing reproduction costs, to any State or local education authority. That way, States like Utah, which are seeking through career-ladder or other professional enhancement programs to upgrade the caliber of teaching, may benefit directly from this new Federal program. I am also pleased that the Board's attention has been directed to the academic subjects—literacy, mathematics, science, and foreign languages—and the student groups—the handicapped, gifted and talented, and the educationally and economically disadvantaged—traditionally recognized as worthy of national attention. The math-science bill and the chapter 1 program, to mention only two important Federal education programs, are well-known examples of congressional interest in these key areas.

Mr. President, I hope this program, when funded, "works." I hope we will learn more about a variety of good preparations for and enhanced teaching skills in areas of critical national need. I hope States and school districts across this country will utilize research done by the NPTSB and tailor it to their own needs and programs for teacher development. I hope many educators will be sufficiently motivated to submit themselves to this new and rigorous standard of evaluation. Most of all, I hope that the children of this country will benefit because the education they are offered will be enhanced as a result of this new project. It is for this reason most of all that I have decided to cosponsor S. 2698.

By Mr. HECHT:

S. 2699. A bill entitled the "Nevada Land Sales and Lease Facilitation Act of 1988"; to the Committee on Energy and Natural Resources.

NEVADA LAND SALES AND LEASE FACILITATION ACT

● Mr. HECHT. Mr. President, today I am introducing legislation that is of the utmost importance to the State of Nevada and its people. A situation has arisen which has created serious problems for thousands of Nevadans who have been victimized by current interpretations of a preliminary injunction in the case of National Wildlife Federation versus Burford et al. The normal flow of land sales and leases otherwise authorized by various laws, and which are essential for the continued development, progress, and well being of the people of Nevada, has come to a virtual standstill.

Mr. President, a difference of interpretation between the parties to the lawsuit regarding the application of the preliminary injunction is costing Nevada's local governments and people lots of time, opportunities for development, and millions of dollars. The bill I am introducing today would allow certain public land sales and leases to proceed in Nevada. The bill offers hope of relief to all individuals and local governments whose transactions have been mired by the injunction.

To more graphically illustrate just some of the costs, consider the financial dilemma which Nevada's Clark County may face if it is force to purchase 620 acres of private land, in lieu of public land, for which the county

has already made 37 lease/patent applications. Thirteen of the applications are known to be affected by the preliminary injunction. If this land cannot be obtained from the Bureau of Land Management, the Clark County School District will be forced to acquire privately owned land at fair market value—currently around $20,000 to $40,000 per acre in the greater Las Vegas area. Using an average of $30,000 per acre, the school district would be forced to spend as much as $18.6 million. If the land could be transferred by the Federal Government to the school district under the Recreation and Public Purposes Act, it would only cost Clark County's citizens a total of approximately $1,600.

There is no guarantee that this lawsuit, which was filed more than 2 years ago, will be settled anytime soon. Meanwhile, as I have explained here, many hardships are being suffered by Nevadans. I, therefore, urge my colleagues to support passage of this legislation which will provide the vehicle whereby land sales and leases currently stalled by varying interpretations of this injunction may be expedited, citizens of Nevada can get on with their lives, and Nevada communities can get on with the business of building schools so our children can be provided with the necessary resources to take their place in our society in the next century.●

By Mr. QUAYLE:

S. 2700. A bill to amend the Employee Retirement Income Security Act of 1974 to modify the requirement that the Pension Benefit Guaranty Corporation institute proceedings to terminate certain pension plans, and for other purposes; to the Committee on Labor and Human Resources.

PENSION BENEFIT PROTECTION ACT

● Mr. QUAYLE. Mr. President, in 1986, in the Single-Employer Pension Plan Amendments Act of 1986, and again in 1987, in the Pension Protection Act—part of the Omnibus Budget Reconciliation Act of 1987, the Congress made very clear its desire that pension plans covered by the plan termination insurance provisions embodied in title IV of the Employee Retirement Income Security Act of 1974, as amended [ERISA], should be allowed to terminate only if fully funded or if the company sponsoring an underfunded plan and its affiliates were in severe financial distress. Nonetheless, by systematically ignoring or avoiding the ERISA funding requirements, frequently after filing a petition in bankruptcy reorganization, a company that itself or through its affiliates could afford to fund a plan can permit a plan to run out of funds through the normal payment of plan benefits.

When a plan no longer has sufficient funds on hand to make a monthly benefit payment to its participants and beneficiaries, ERISA requires that the Pension Benefit Guaranty Corporation [PBGC] terminate the plan and make those payments at the benefit levels it guarantees. While the agency may be able to recover some or all of the guaranty funds it is called upon to expend, participants and beneficiaries lose not only some or all of the amounts that PBGC does not guarantee, but active workers also lose the ability to accrue further benefits, to vest if not yet vested or to have their retirement age salary level used to determine their entitlement at retirement. In addition, the plan may have required union bargaining and agreement prior to termination by the employer; the ERISA mandatory termination requirement relieves the employer of this responsibility as well.

A case that clearly exemplifies this pattern of abuse arose in the context of the LTV bankruptcy reorganization. LTV Energy Products Co., LTVEP, is one of more than 60 LTV affiliates of LTV Corp. that is presently a debtor under chapter 11 of the Bankruptcy Code. LTVEP sponsored a small pension plan, the Continental Emsco Evansville pension plan, that covered former employees of a closed facility. LTVEP provided no funding to the plan from 1985 onward. As a result, normal benefit payments depleted the plan's assets, leaving the plan with insufficient cash to make the August 1, 1988, payment to pensioners. LTV and LTVEP advised PBGC that the agency would be required by ERISA to terminate and take over the plan lest pensioners not be paid.

Though LTVEP had unpaid contributions outstanding and has another contribution payment required before September 16, 1988, the company told the PBGC that, because of the bankruptcy, it could not and would not pay the amount needed to keep the plan going. The plan needed about $100,000 per month to meet all of its obligations, and less than $14 million to fund fully all promised benefits. At this point in time, LTV and its affiliates had cash on hand amounting to more than $700 million, and had expended, in 1987 alone, more than $500,000 to pay bonuses for their four top executives. Executive benefit plans for LTV's top executives, purchased pre- or post-petition have an aggregate cost of in the millions of dollars.

The attached bill amends title IV of ERISA to preclude termination of a pension plan for insufficient assets where the plan sponsor and its affiliates can afford to fund it. It requires the pension plan administrator to collect unpaid contributions or the amount needed to continue full benefit payments from the employer and its affiliates, and requires those firms to continue to pay those amounts, unless and until the plan is terminated under the procedures set out in SEPPAA and PPA.

Mr. President, this is a very simple and clean bill. I am including a thorough section-by-section analysis of the bill and I ask unanimous consent that it be included in the RECORD along with the text of the bill.

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

S. 2700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Benefit Protection Act".

SEC. 2. INSTITUTION OF TERMINATION PROCEEDINGS BY THE CORPORATION

The second sentence of section 4042(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(a)) is amended by inserting before the period at the end thereof the following: "and that the application of subsection (d)(4) would not provide such assets".

SEC. 3. PAYMENTS BY CONTRIBUTION SPONSORS AND CONTROLLED CORPORATIONS.

Section 4042(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(d)) is amended by adding at the end thereof the following new subsection:

"(4)(A) Whenever the corporation makes a determination under subsection (a) that a plan will not have assets available to pay benefits that are currently due, the contributing sponsor and the controlled group of the contributing sponsor shall pay into the plan an amount equal to the greater of—

"(i) the liability described in section 4062(c), determined as though plan termination had occurred on the benefit due date for which plan assets will be insufficient; or

"(ii) the amount necessary to provide plan assets needed to pay benefits when due and plan administrative expenses, in that month and future months, as long as plan assets are not sufficient to pay benefits when due plus plan expenses.

"(B) Each contributing sponsor and all members of the controlled group of the contributing sponosr shall be jointly and severally liable for payments required by this subsection. Payments required by this subsection shall not continue beyond the earlier of the date that all benefit liabilities under the plan have been paid or the plan is terminated under section 4041.

"(C) Subparagraphs (A) and (B) shall be enforced by the plan administrator and may also be enforced by any trustee appointed under this section or by the corporation.

"(D) The requirements of this subsection shall be in addition to, and shall not abrogate, any other requirement of applicable law. Nothing in this subsection shall be construed as limiting the authority of the corporation to act under any other provision of law.".

SEC. 4. JURISDICTION OVER TERMINATION PROCEEDINGS.

Section 4042(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(g)) is amended—

(1) in the first sentence, by striking out "subsection" and inserting in lieu thereof "section"; and

(2) by adding at the end thereof the following new sentence: "The district courts of the United States shall have jurisdiction of

all actions brought under this section without regard to the amount in controversy.".

SECTION-BY-SECTION ANALYSIS

Section 2 of the bill amends the mandatory termination provision in Section 4042(a) of ERISA to require PBGC to terminate a plan where it determines that funds are unavailable to make current benefit payments and that necessary funds are not available from the plan's sponsor and members of its controlled group.

Section 3 adds a new provision to Section 4042(d) requiring immediate payment of contributions, contributions not paid due to funding waivers or amortization period extensions, and contributions accrued through the date the benefit payment is due. It spells out the joint and several liability of the plan's contributing sponsors and members of their controlled groups, and that the necessary payments must continue to be made until a valid plan termination is obtained in accordance with the rules set out in Section 4041.

It also requires the plan administrator to pursue collection of the amounts required by the provision where the liable firms do not voluntarily make the payments, and permits the PBGC or the trustee appointed under Section 4042 to pursue collection as well. Additionally, the amendment makes clear that this new provision is not to be viewed as removing or in any way limiting any other liability or responsibility of any party under any other provision of law regarding a plan subject to this provision, and that the provision in no way limits the PBGC's authority to act under any other provision of applicable law.

Section 4 clarifies that Section 4042(g) provides U.S. District Court jurisdiction over actions to enforce this and other Section 4042 provisions, without regard to amounts in controversy.●

By Mr. LEVIN (for himself, Mr. DIXON, Ms. MIKULSKI, Mr. MURKOWSKI, and Mr. SIMON):

S. 2702. A bill to provide OPIC insurance, reinsurance, and financing to eligible projects in Poland; referred to the Committee on Foreign Relations.

INVESTING ON POLAND'S PRIVATE SECTOR

● Mr. LEVIN. Mr. President, today I am introducing, together with Senators DIXON, MIKULSKI, MURKOWSKI, and SIMON, legislation that would allow the Overseas Private Investment Corporation [OPIC] to assist U.S. businesses wishing to invest in the Polish private sector. I am offering this bill because I believe that Poland presents us with a genuine opportunity to foster positive democratic change in a Communist country. I base this contention on observations I made during a visit to Poland earlier this year and on research done by my staff. But above all, I base it on my faith in the courage and resourcefulness of the Polish people.

Americans are justifiably wary of dealing with the Polish Government, a government which appears to have practically no support among the Polish people, and which represses workers' rights.

But Americans are generally not as familiar with the degree to which the Polish people have succeeded in carving out "zones of freedom" within their society. The Polish people have bravely insisted on at a least a minimal level of freedom in certain important areas. In the area of religion for example, the Catholic Church is a very strong and vibrant independent institution which commands far greater loyalty and commitment from the Polish people than any government-supported institution.

In terms of free expression, Poland has a flourishing network of underground publications, and even a thriving underground video market, and material highly critical of government policies is circulated widely. The government does make some attempts to disrupt the underground network but, for the most part, it is able to operate with official acquiescence. In the economic sphere, Poland has a relatively large private sector, especially in agriculture, but also in small-scale manufacturing, transport, and service industries.

This independent activity is tolerated by the Polish Government not because they like it, but because the Polish people insist upon it. As long as the people continue to insist upon at least these limited "zones of freedom," I am confident that the government will have no choice but to accept their existence.

The question is: Can the Polish people expand their "zones of freedom?" And can we find constructive ways to help from expand the "zones"?

The legislation I am introducing today is a modest attempt to help expand the economic zone of freedom in Poland, by encouraging the growth of small-scale private enterprises in that country.

It was a visit I took to Poland earlier this year that inspired me to look for a mechanism for getting assistance to this part of the Polish economy. During my visit, I had extensive discussions with Lech Walesa and other Solidarity officials, with representatives of the Catholic Church, and with government officials. I received the strong impression that if the Polish people wait for reform to come from the top—from the government or the Communist Party—it will likely never come. As one of the Solidarity activists in Warsaw put it, referring to the government: "They must reform—and they can't reform."

The impetus for fundamental reform of the economic and political system in Poland is going to have to come from the bottom. Lech Walesa in particular is convinced that the best hope for Poland's future is reform "from the bottom up," by which he means encouraging the growth of low-level, nongovernmental activity. Economic, social, and political activity taking place outside officially sponsored and controlled channels will lead to a healthier Poland—economically, spiritually, and in every other way imaginable. Mr. Walesa's vigorous emphasis on this "from the bottom up" approach to reform is very persuasive. I am satisfied that this is the only appropriate and effective way for the United States to participate in Poland's reform effort.

In the economic sphere, reform "from the bottom up" means fostering small-scale private enterprise. It may surprise some of my colleagues, Mr. President, to know the extent of Poland's private sector. Private employment in Poland accounts for 5 million out of a working population of 17 million, or roughly 30 percent. Private enterprise is especially dominant in the agricultural sector: Three-fourths of agricultural land is in private hands and 80 percent of agricultural workers are in the private sector. Outside of agriculture, private enterprises have traditionally been concentrated in handicrafts, trade services, and catering. In the past decade, however, there has been rapid growth in the number of private businesses in small-scale manufacturing, transport, and new service—computer software, consultancies, and so forth. The nonagricultural private sector employs over 1 million Polish workers.

Not surprisingly, the private sector is also the most prosperous sector of Poland's economy. While the state-controlled sector in Poland had a negative growth rate of −1.7 percent in the years 1980–85, the private sector grew at a positive rate of 3.9 percent. Expanding the Polish private sector would not only bring greater economic freedom, it would also provide a way out of the severe economic crisis that has afflicted Poland for years and drastically lowered the standard of living there.

If we decide, as I am proposing, that we should direct United States assistance to low-level private enterprise in Poland, then OPIC is uniquely suited for the task. OPIC deals almost exclusively with the private sector in every country where it operates and has considerable experience in working with small businesses. The political risk insurance and project financing OPIC provides would make it possible for United States businesses to invest in the Polish private sector. My expectation is that this investment would bolster private enterprise in Poland, and perhaps even convince the Polish Government to loosen further some of the existing fetters on the private sector.

Because OPIC is prevented under current U.S. law from operating in Poland, it is necessary to grant it specific authorization to assist potential U.S. investors in the Polish private sector. But a simple waiver does not provide sufficient guarantees that

OPIC would not become involved with enterprises fully or partially owned by the state. Such a waiver would also ignore the expressed intention of Congress when, in 1985, it conditioned OPIC involvement with a particular country on that country's respect for internationally recognized workers' rights.

Therefore, instead of allowing a blanket waiver, this bill would establish four conditions for OPIC involvement in Poland. The first condition ensures that OPIC would only be involved in projects affecting the Polish private sector, or projects sponsored by the church or other independent social organizations. The second condition ensures that workers' rights are respected at least in the enterprises involved in OPIC-sponsored projects, even though government policies in Poland clearly do not now meet an acceptable standard with regard to workers' rights. The third condition would reinforce existing statutory language requiring that OPIC projects not adversely affect U.S. employment or import sensitive U.S. industries. And the fourth condition would make OPIC involvement in Poland contingent on the Polish Government taking further steps to liberalize the Polish economy and, in particular, enacting certain promised reforms that would improve the climate for private businesses in Poland.

This legislation was drafted in consultation with a number of interested groups and institutions. It has been endorsed by the Polish-American Congress, who state that it "would significantly promote the development of private, market-oriented enterprises, which are of critical importance to Poland's economic recovery."

Mr. President, I ask unanimous consent that an item concerning my bill in the most recent Washington newsletter of the Polish-American Congress be printed in the RECORD following my remarks.

The Polish-American Congress' support is especially meaningful to me, Mr. President, because it resulted from the leadership of the late Aloysius Mazewski, president of the Congress. I was terribly saddened to learn of Al Mazewski's passing last week. Just a few weeks ago he was in my office to discuss this bill, and as always, he was helpful, understanding, and easygoing. All of us who have worked with Al personally, or with the Polish-American Congress that he led so effectively, will miss him greatly.

This proposal is far from a panacea for Poland's many problems. But it represents a limited effort to foster a viable private sector in Poland. To the extent that it achieves this goal, it will further U.S. interests and the interests of the Polish people.

If it is successful, however, its effects will not be limited to just the economic sphere. Historical experience teaches us that economic and political liberalization usually go hand-in-hand. When you give people more choices, more freedom to do as they please in their economic lives, they will naturally begin to insist on the same choices and freedom in their political lives. And a liberalized economy simply doesn't work very well when it is burdened by a highly centralized, tightly controlled political apparatus.

Economic liberalization in Poland will contribute to and, in turn, be fed by political democratization in Poland. While this bill's impact would be modest, and while a great deal more has to happen before significant change occurs in Poland, this proposal is a step in the right direction. It would contribute to "bottom-up" reform in Poland, which appears to be the best hope for achieving long-term freedom and prosperity in that troubled country.

Mr. President, I ask that the text of the bill, a summary of the bill's provisions, and statements by Senators MURKOWSKI and SIMON be printed in the RECORD following my statement.

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

S. 2702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) notwithstanding any other provision of law, the Overseas Private Investment Corporation (hereafter in this Act referred to as "OPIC") may issue insurance or reinsurance, guarantee loans, or extend financing for eligible investors, in accordance with section 234 of the Foreign Assistance Act of 1961, with respect to projects in Poland only if such projects are undertaken in conjunction with the nongovernmental sector in Poland.

(2) For purposes of this Act, the term "nongovernmental sector" includes private enterprises, cooperatives (insofar as they are not administered by the Government of Poland), joint ventures (insofar as none of the partners is the Government of Poland or an instrumentality thereof), "Polonia" firms (businesses in Poland wholly or partly owned by United States citizens of Polish descent), the Catholic Church, and other independent social organizations.

(b) Each fiscal year, OPIC shall certify to the Congress that businesses in Poland with respect to which OPIC has undertaken any of the activities described in subsection (a) do not violate any of the internationally recognized workers rights defined in section 502(a)(4) of the Trade Act of 1974, including the right of workers to be represented by the union of their own choice, including the independent trade union "Solidarity".

(c) OPIC shall not issue any insurance or reinsurance, guarantee loans, or extend financing to an eligible investor with respect to any project in Poland which fosters unfair competition with import-sensitive United States industries or leads to significantly adverse impacts on United States employment.

(d) OPIC shall not undertake any of the activities described in subsection (a) with respect to projects in Poland until the Secretary of State has certified that the Government of Poland has enacted laws which significantly improve the operating conditions for private enterprises (domestic and foreign) in Poland. Such improvements shall include reform of the present laws governing joint ventures and the licensing of new businesses.

SUMMARY OF LEVIN BILL ON OPIC AND POLAND

This proposal would allow the Overseas Private Investment Corporation (OPIC) to provide assistance to U.S. businesses wishing to invest in the Polish private sector.

OPIC provides political risk insurance and project financing to U.S. businesses investing in less developed countries. It is a self-financing U.S. government agency under the policy guidance of the State Department. Provisions of current law prevent OPIC from financing projects in Poland.

This proposal would grant specific authorization to permit OPIC to insure and finance projects in Poland under certain limited conditions.

First, OPIC could only insure or finance a U.S. business investment in Poland if the investment is in the non-governmental sector. Non-government sector would be defined as private enterprises, joint ventures and cooperatives with no state involvement, and projects supported by the Catholic Church and other independent social organizations.

Second, OPIC would be required to certify that each Polish enterprise involved in its projects respects internationally recognized workers' rights, as defined under U.S. trade law (includes the right of association; the right to organize and bargain collectively; acceptable work conditions with respect to wages, hours of work, and occupational safety and health; no forced labor; and no child labor. In addition, OPIC would have to certify that each of these Polish enterprises respects the right of its workers to be represented by the union of their own choice, including Solidarity. Under current law, OPIC is required to certify that any country it operates in is "taking steps to adopt and implement" internationally recognized workers' rights. Under this proposal, OPIC would make a workers' rights certification on the level of the individual private enterprise.

Third, OPIC would have to ensure that the projects it insures or finances in Poland do not lead to unfair competition against import sensitive U.S. industries or to a loss of employment in the U.S. OPIC already conducts economic impact studies of each of its projects around the world; this provision would ensure that the U.S. economic impact of any OPIC projects in Poland would be carefully considered before undertaking these projects.

Fourth, OPIC is prohibited from undertaking projects in Poland until the Secretary of State makes a certification relative to economic reform measures in Poland. The Polish government has promised to implement specific reforms concerning, among other things, joint ventures and the licensing of new businesses. The Secretary of State would have to certify that reforms have been enacted that significantly improve the conditions for private enterprises to operate in Poland.

OPIC TO ASSIST U.S. BUSINESS INVESTMENTS IN POLAND'S PRIVATE SECTOR ECONOMY

Senator Carl Levin (D-MI) is proposing introduction of legislation which would allow the Overseas Private Investment Corpora-

tion (OPIC)—a government agency—to assist U.S. businesses interested in investing in the Polish private sector. Based on the proposed language, which would limit such assistance to the strictly "non-governmental sector," the Polish American Congress supports Sen. Levin's initiative. When enacted, the legislation would significantly promote the development of private, market-oriented enterprises, which are of critical importance to Poland's economic recovery.

The proposed legislation clearly defines the "non-governmental sector" as including "private enterprises, cooperatives (insofar as they are not run by the state bureaucracy), joint ventures (insofar as neither of the partners is owned by the state), 'Polonia' firms (businesses in Poland wholly or partly owned by U.S. citizens of Poland descent)," etc.

It further stipulates that "OPIC shall certify that the businesses in Poland who receive its assistance do not violate any of the internationally recognized workers' rights defined in Section 502(a)(4) of the Trade Act of 1974, as amended, . . . that businesses involved with OPIC-sponsored projects respect the right of workers to be represented by the union of their own choice, including the independent trade union 'Solidarity'," and that "OPIC shall not undertake any projects in Poland until such time as the Polish government has enacted into law certain changes designed to liberalize economic activity. These changes must include amendment of the joint venture law of 1986, and enactment of a new law on licensing new businesses."

The Polish American Congress urges support of Senator Levin's proposal by Members of the Congress and the Administration.●

● Mr. MURKOWSKI. Mr. President, I rise in support of this bill as an original cosponsor.

This bill, which will allow the Overseas Private Development Corporation to operate in Poland, addresses the desperate economic situation in Poland from the perspective of the working men and women of Poland.

The approach contained in this bill—the approach endorsed by the Polish American Congress and the independent trade union Solidarity—is to employ United States investment in an attempt to reform the Polish system from the bottom up.

Clearly, Mr. President, the Polish Government has demonstrated its inability to bring about real reform in the Polish economy. The referendum put before the Polish people in November of last year on proposed government economic reforms failed to win the required mandate.

This referendum failed, not because there is not universal recognition of the desperate need for reform of the Polish economy—there is; not because the Poles themselves do not recognize the need for reform—I believe they do.

This referendum failed because the people of Poland dislike and distrust the Polish regime. They have no wish to support the reform program of a government in which they have no confidence.

Mr. President, if reform cannot be achieved in Poland from the top down, we must commit ourselves to assisting the process from the bottom up.

This bill will direct United States investment toward the small-scale private enterprise in Poland—the farmer who works his own small piece of land, or the entrepreneur struggling in the service sector of Warsaw or Krakow.

It is important to reemphasis, Mr. President, that this bill will exclude projects that have any involvement with the Polish Government.

It is also important to reemphasize that OPIC is a self-financing organization. Its revenues are generated by the premiums paid by U.S. businesses who buy OPIC insurance. Congress does not appropriate money for OPIC.

Mr. President, one of the unfortunate and unintended effects of the United States sanctions against Poland in the aftermath of martial law was the burden that those sanctions placed on the backs of the Polish workers. Today, the United States has lifted these sanctions but the Polish economy remains in shambles, and the standard of living for the average Pole is now one of the lowest in Eastern Europe.

I recognize that this bill is not the solution to the economic problems faced by Poland. United States investment in small-scale Polish private enterprise cannot reverse over 40 years of economic mismanagement in Poland. This bill will not dig Poland out from under a $36 billion foreign debt.

But what this bill will do is strengthen the portion of Polish society in which I am convinced the answer to their problems does lie—with the working men and women of Poland.●

● Mr. SIMON. Mr. President, I am pleased to cosponsor Senator LEVIN's bill. This modest step would help to foster a viable private sector within Poland. Simply put, that development is in the benefit of both American and Polish citizens.

The benefits for U.S. business investment in a developing market seem evident. Just as importantly, though, is the opportunity this bill presents to effect bottom-up reform within Poland. Such reform provides a sound basis for United States policy and helps the Polish people. During Senator LEVIN's trip to Poland, Lech Walesa and his fellow Solidarity leaders indicated that the best hope for economic improvement was through low-level private enterprise. By freeing OPIC and providing the appropriate safeguards, that is what this bill provides for.

The ability of Lech Walesa and his followers to meet with the Senator from Michigan and express their views is indicative of what makes this initiative worthwhile. Unlike other Eastern bloc nations, Poland possesses strong opposition movements and institutions—namely, Solidarity and the Catholic Church. In addition, by Communist standards, Poland's private sector is unusually large. Private employment accounts for 30 percent of the working population. Within the agricultural sector, three-fourths of the land is in private hands and 80 percent of agricultural workers are in the private sector. There has been growth in private small-scale manufacturing and high-technology industries, as well.

In short, Poland presents a unique opportunity for limited and effective proposal such as this one. The country possesses unique institutional and economic openings. Senator LEVIN's bill carefully builds upon these to further American interests and encourage the increased private economic activity of the Polish people. I am pleased to cosponsor this legislation.●

By Mr. FORD (for himself, Mr. LEAHY, Mr. DOLE, and Mr. CONRAD):

S. 2703. A bill to amend the Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PET THEFT ACT

● Mr. FORD. Mr. President, today, along with my colleagues Senators LEAHY, DOLE, and CONRAD, I am introducing a modified version of S. 2353, the Pet Theft Act, which I introduced on April 29. The thrust of this new legislation is exactly the same as that of the first—to protect against pet theft by abolishing the phenomenon known as auction sales.

The bill before us is a product of extensive deliberation within the Senate Agriculture Committee and of consultation with the Department of Agriculture. It has the personal endorsement of Dr. Michael DeBakey, as well as many others within the biomedical research community.

Time left in the 100th Congress grows short. Because the theft problem is so pervasive, occurring in every jurisdiction—the most recent example being this very week right here in Georgetown, and because no responsible researcher wants anything to do with stolen animals, I hope action can be taken on this legislation in the very near future.●

● Mr. LEAHY. Mr. President, I am pleased to join my colleague from Kentucky in sponsoring the Pet Theft Act of 1988. This legislation will provide needed safeguards against the theft of cats and dogs for sale for research. It will also require a 7-day holding period at pounds so that sufficient time is allowed for the recovery and adoption of pets before releasing them for research.

Mr. President, 2 months ago the chairman of the Senate Rules Committee brought to my attention legislation he had introduced to reduce the theft of pets for research purposes. I made a commitment to him that I would make every effort to move this legislation forward. I directed the professional staff of the Senate Agriculture Committee to meet with all affected organizations and interested Senators to develop legislation that would address this issue. Many people have worked long hours on this legislation and it represents a rare and thoughtful compromise on behalf of the animal welfare organizations and the scientific research community.

A similar bill, S. 2353, also introduced by Senator FORD, was referred to the Senate Committee on Agriculture this spring. Under Senator FORD's leadership, we worked with concerned parties and altered the bill so that it is acceptable to everyone. Because of the shortness of this legislative year, Senator FORD, along with Senators DOLE, CONRAD, and myself, are reintroducing this improved legislation for immediate consideration by the Senate.

The Pet Theft Act amends the Animal Welfare Act administered by the Animal Plant Health Inspection Service of the U.S. Department of Agriculture. In the spring of 1987, the USDA proposed rules in the Federal Register to eliminate current regulations which encourage animal theft for profit. The USDA is continuing to consider comments on the proposed regulations: this legislation will eliminate many of the known problems and aid the Department in its efforts to improve the use of animals in research.

Mr. President, I accept that prudent use of animals for research is necessary to advance medical science and save human lives. But we must prevent against the misuse of animals and explore alternatives to their use in research, testing, and education. This bill will not hinder medical research in this country. Rather, this bill will ensure that only those animals intended for research are used.

Pets are part of our families. They are the only family for many of our older citizens. This bill represents a thoughtful reasonable compromise which protects pets from theft, provides an opportunity for pet adoption, and does not hinder useful medical research.

I am glad to have been a part of this compromise legislation.●

By Mr. HARKIN (for himself and Mr. SIMON):

S. 2704. A bill to require that certain Federal entities and certain non-Federal entities receiving Federal financial assistance provide television sets that display closed-captioning, to eliminate the payment to Federal employees traveling on official business of lodging expenses incurred at a place of public accommodation that does not, on request, provide guests with guest rooms furnished with televisions that display closed-captioning, and for other purposes; to the Committee on Finance.

CLOSED-CAPTIONED TELEVISION SERVICES FOR THE HEARING-IMPAIRED ACT

● Mr. HARKIN. Mr. President, I am pleased to introduce today along with my colleague, Senator SIMON, legislation to increase access to closed-captioned television for individuals with hearing impairments. The Closed Captioned Television Services for the Hearing Impaired Act of 1988 will require that certain Federal entities, and certain non-Federal entities receiving Federal financial assistance, provide television sets that display closed-captioning.

This legislation takes a small step in addressing some of the concerns raised by the Commission on the Education of the Deaf. With the enactment of Public Law 99-371, the Education of the Deaf Act, Congress created this Commission, whose mission was to examine the status of deaf education in this country and make recommendations on possible improvements within the system. After 18 months of study, the Commission issued its final report in March 1988. At that time, members of the Commission and other individuals interested in issues concerning deaf and hearing impaired persons testified before the Subcommittee on the Handicapped, which I chair, on the findings of the Commission's report.

In this report, the Commission examined prevention and early identification of deafness, elementary and secondary education, Federal postsecondary education systems, research, evaluation and outreach, professional standards and training, and technology. The Commission found that the status of deaf education in this country is unsatisfactory and that—

> Maintenance of the status quo represents an unwarranted extravagance—especially when we consider that a clearer understanding of the needs of persons who are deaf, coupled with the redirection of some existing funding and priorities, and a modest amount of new funding could result in impressive long-term savings. (p. ix)

In this comprehensive study, the Commission identifies captioning of television as one of the most important technologies for the deaf and hearing impaired. The report states:

> The deficiencies, referred to earlier, in the successful implementation of publicly stated and legislated policy, lie largely in the failure to [among other things] use, and encourage the use of, the diverse tools being provided by advancing technology, including computers, and electronic equipment and support for TV closed captioning. (p. x)

The Commission also finds that closed captioning is the most effective technology for speeding the attainment of literacy, and more importantly, in helping the deaf person participate in the wider world that is routinely accessible to those who hear. I subscribe to this view.

> TV is the most pervasive and influential means of sharing information in America. Until the 1970's, deaf persons had no access to TV, and were isolated from the major pipeline feeding information to America. The development of captioning made it possible for deaf persons to see what others heard on TV. (p. 112)

It is also important to note that closed captioned television can benefit more than just the deaf and hearing impaired population. It can help hearing children and illiterate adults learn to read. Captioning can also facilitate the acquisition of the English language by those whose first language is not English.

Mr. President, one of the most disturbing findings of the Commission was that some 70 percent of all deaf high school graduates read at the third grade level. This is partially due to the difficulty in recognizing and accommodating the special language needs of deaf children. These children have an invisible language disability and oftentimes cannot understand what is being taught. Closed captioning provides visible access to the English language, and facilitates language acquisition which in turn facilitates learning.

I believe the legislation I am introducing today takes a first step in attaining the goals set out in the Commission on the Education of the Deaf's report.

The Closed Captioned Television Services for the Hearing Impaired Act of 1988 would require entities which deliver Medicare and Medicaid services to provide access to captioned television in those facilities in which televisions are provided. In addition, Public Health Service Hospitals and facilities under the jurisdiction of the Veterans' Administration would also be required to furnish captioned television in those situations where television viewing is present. Finally, elementary, secondary, and postsecondary schools would also be covered under this legislation. The Closed Captioned Television Services for the Hearing Impaired Act also contains a provision which would allow the Secretary of Commerce to waive this requirement if he or she determines that such action is appropriate.

Congress, with the enactment of section 504 of the Rehabilitation Act of 1973, has made it clear that reasonable accommodations must be made for persons with disabilities participating in federally assisted programs. Closed captioned television is an example of providing reasonable accommodation. Thus, there is an obligation under current law to provide closed captioning for deaf and hearing impaired persons.

Unfortunately, in practice, close captioned television is not always made available. This legislation seeks to reemphasize this obligation.

The Commission also recommended increasing the amount of captioned programming on the three major networks. This bill addresses this issue in a very limited way. In the next Congress, I will be developing a comprehensive strategy to further promote captioning of TV and video programs. It is my goal to make all programs accessible to individuals with hearing impairments.

Mr. President, this legislation has been endorsed by over 15 organizations which advocate for the needs of deaf and hearing impaired individuals including the National Association for the Deaf, the Self-Help for Hard of Hearing Persons [SHHH], the National Captioning Institute and the Alexander Graham Bell Association for the Deaf.

In closing, I want to thank Representative BONKER for introducing this legislation in the House of Representatives, along with Representative BONIOR and Senator PEPPER. With the appointment of the first deaf president at Gallaudet University and the release of the Commission on the Education of the Deaf's report, the world's attention has been focussed on the rights of deaf and hearing impaired persons. This legislation advances these rights and I hope it will be looked upon favorably by this body.●

● Mr. SIMON. Mr. President, I am happy to join my friend and colleague Senator HARKIN, as an original cosponsor of the Closed Captioned Television Services for the Hearing Impaired Act of 1988.

This bill would require that a variety of educational and federally funded institutions—including hospitals, nursing homes, and institutions for the mentally retarded—provide their clients with access to closed captioned television sets. In addition, the bill would require all public service announcements funded or written by the Federal Government to be captioned for the hearing impaired.

I firmly believe that we should make every effort to increase the ability of deaf and hearing impaired individuals to share in the communication the hearing world takes for granted. This legislation is a long step in the direction of inclusion of millions of Americans in the cultural and social life of our Nation.

Television can play an important role in education and communication. Currently, we cut off this source of information to millions of hearing impaired Americans and others who could be using closed captioned televisions. The networks have been making a strong effort to provide closed captions for much of their programming. If a hearing impaired individual does not have access to a decoder, however, these efforts are meaningless.

It is a simple matter to adapt television sets for closed captions. A small box that attaches to a television set, a decoder, is used. The cost is less than $200 per box, and hospitals and other institutions would be able to buy systems that accommodate up to 1,000 television sets for just $1,800. Closed captioned television benefits deaf and hearing impaired individuals, but can also be used to teach children and adults with learning disabilities, illiterate individuals, and those who are learning English as a second language.

This bill will ensure the rights of over 24 million Americans who are deaf or hearing impaired, and has endless possibilities in the field of education.

I am proud to join Senator HARKIN, the television industry, the National Association of the Deaf, and many other agencies and advocacy groups in supporting this important legislation.●

By Mr. EXON:

S.J. Res. 362. Joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. EXON. Mr. President, the Presidential elections and the 200th anniversary celebration of the adoption and ratification of our Constitution provides an excellent opportunity to review our Constitution as it relates to the election of the President and Vice President.

Today, I hope to ignite a national debate about our Presidential election process. I rise to offer an amendment to the Constitution to eliminate the electoral college and permit the direct election of the Presidential ticket.

I have long felt that the electoral college is a relic which has outlived its usefulness. It is time to do away with the electoral college and make every vote across the Nation count. Certainly, the United States is now mature enough as a nation to elect its own President.

The American people also agree. A spring 1987 CBS/New York Times poll indicated that 61 percent of those polled favored a constitutional amendment to allow the direct election of the President. Over the years, public opinion has consistently favored the direct election of the President.

As the 1988 general election approaches, the political pollsters and pundits predict that the Presidential election will be a very close one indeed. One cannot read a campaign trail news article without noting the electoral college strategies of the Presidential candidates. While I personally expect the 1988 election to be a decisive one, it is entirely within the realm of possibility that the 1988 election could bring an electoral victory without a popular victory. One can only imagine what nation-splitting trauma would occur if an individual were to assume the Nation's highest office contrary to the popular will of the Nation.

The electoral college is an antidemocratic institution. With its "winner take all tradition," votes for opposing candidates in each State are essentially eliminated from consideration. A Presidential ticket in theory only needs to win the 11 largest States, even by the very narrowest margins and lose all other States even by significant margins to be elected; regardless of the total popular vote.

Mr. President, I say "winner take all tradition" because, there is nothing to legally bind electors to vote any particular way. The electoral college could, in theory, disregard the popular vote of the electorate and vote as the electoral college pleases.

Several times in American history, one or two so-called "faithless" electors voted for candidates of their own choosing.

While an occasional "faithless" elector will not threaten the outcome of an election, three times in our Nation's history, Presidents were elected without a popular mandate.

In 1824, Andrew Jackson received 43.1 percent of the popular vote and 37.9 percent of the electoral vote while his opponent, John Quincy Adams received 30.5 percent of the popular vote and 32.1 percent of the electoral vote.

Since no candidate received a majority of the electoral vote, the election was thrown to the House of Representatives as directed by the Constitution, where John Quincy Adams secured the support of 13 State delegations winning over Andrew Jackson who had won the support of only 7 State delegations.

In a case closer to a potential result of the 1988 election, in 1876, Samuel Tilden received 50.1 percent of the popular vote and lost to Rutherford B. Hayes who won a one vote majority in the electoral college.

The third case occurred 100 years ago in 1888. Grover Cleveland won 48.7 percent of the popular vote and 42 percent of the electoral vote, while his opponent, Benjamin Harrison, became President with only 47.9 percent of the popular vote and 58 percent of the electoral vote.

If the electoral college system is not changed, I suspect that within my lifetime, history will repeat itself. Indeed, in 20 Presidential elections, a 1-percent shift in the national vote could have changed the outcome of the election.

In an era where the majority of Americans are lax in exercising their right to vote, the potential for a minority group, like the electoral college, electing the leader of our great Nation is cause for serious concern.

In most elections, there is a significant disparity between popular votes and electoral college votes. In 1912, President Wilson won 42 percent of the popular vote and 82 percent of the electoral vote. Most recently, in 1984, President Reagan won 59 percent of the popular vote and 98 percent of the electoral vote. It is clear that in winning elections, the electoral college does not reflect the will of the people.

There are several other more subtle ways that the electoral college short circuits democracy. Electoral politics necessarily dictates Presidential campaign tactics and opinions at three critical stages.

Early in Presidential election cycles, candidates from smaller States are often not given the consideration they deserve.

In 1988, the candidates from Arizona, Delaware and Kansas brought a richness to the Presidential debate; yet, I suspect, that the fact that they were from smaller States had a negative influence on their ability to attract support. In the future, America may wish to turn to leaders from these States or from Nebraska, Montana, Utah, or New Mexico. Our Constitution should not stack the electoral deck against leaders from smaller States.

At another critical point, midway through the Presidential campaign, attention focuses to the so-called Veepstakes. Vice President BUSH has promised to hide his Vice Presidential choice even from his wife to build suspense for television audiences viewing the Republican Convention. On occasion, electoral vote strategies have dictated who should be chosen for the second place on the national ticket. Vice Presidential candidates are, at times, selected because of the number of electoral votes they can deliver rather than their qualifications to become President.

In this regard, I am delighted to acknowledge that the current known candidate for the Vice President is not only exceptionally well qualified to become President, but is from a State rich in electoral votes. Future circumstances may not be so kind. A Vice President should be selected based on his or her ability to assume the office of the President.

In the final phases of a campaign, Presidential tickets devote a great amount of their time and attention to States with many electoral votes such as California, New York, Florida, and Texas. I submit that this situation lends itself to special interest campaign promises.

Presidental candidates should seek votes in all corners of our great Nation. As a matter of fundamental principle, I believe that the vote of a Nebraskan for a Presidential ticket should count just as much as a vote of a Californian.

The proposed constitutional amendment I introduce today eliminates the electoral college and allows the people to choose their President. Under this proposal, if no Presidential ticket should receive at least 50 percent of the popular vote and the majority of the vote in at least one-third of the States, a runoff election between the two highest vote getters would be held.

This system will guarantee that the will of the people will prevail but at the same time will not expose the Nation to the factionalism feared by our Founding Fathers.

The Senate last considered the electoral college in 1979. The proposed constitutional amendment I offer today is based in part on the 1979 proposal of Senator Birch Bayh of Indiana. At that time the proposal received the support of a majority of the Senate. I hope to build on that success. I welcome any comments and suggestions to change and improve this legislation.

I look forward to the national discussion and debate that the introduction of this proposed constitutional amendment will spark.

I ask unanimous consent that the text of this proposed constitutional amendment be printed in the RECORD.

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

S.J. RES. 362

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislature of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article

"Section 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President.

"Sec. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for the electors of President and Vice President, any State may prescribe by law less restrictive residence qualifications and for electors of President and Vice President the Congress may by law establish uniform residence qualification.

"Sec. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 50 per centum of the whole number of votes cast and such number be derived from a majority of the number of votes cast in each State comprising at least one-third of the several states.

"If, after any such election, none of the persons joined as candidate for President and Vice President is elected pursuant to the preceding paragraph, a runoff election shall be held within sixty days in which the choice of President and Vice President shall be made from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes in such runoff election shall be elected President and Vice President.

"Sec. 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by law in each State; but the Congress may by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election, other than a runoff election, shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than thirty days after the date on which the election occurs.

"Sec. 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of either the President-elect or the Vice President-elect.

"Sec. 6. Sections 1 through 4 of this article shall take effect two years after the ratification of this article."

"Sec. 7. The Congress shall have power to enforce this article by appropriate legislation."

By Mr. SARBANES:

S.J. Res. 363. Joint resolution designating November 28 through December 2, 1988, as "Vocational-Technical Education Week"; to the Committee on the Judiciary.

VOCATIONAL-TECHNICAL EDUCATION WEEK

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution to designate November 28 through December 2, 1988, as "Vocational-Technical Education Week."

I am pleased to introduce this joint resolution which provides overdue recognition to an integral part of our Nation's education system. The increasingly complex and technological nature of our society requires a skilled work force, and it is clear that vocational education and job training programs increase the development of human resources and the possibility that all of our country's citizens will lead useful and productive lives.

Enrollment in vocational-technical education is growing at a rapid rate. There are currently over 15.5 million students enrolled nationwide in sec-

ondary and postsecondary public vocational education programs. In addition, the first interim report from the National Assessment of Vocational Education states that 97 percent of secondary students enroll in at least one course classified as a vocational education course during their high school years. The importance of vocational education in our education system is further illustrated by the fact that graduates of vocational programs spend more time in the labor market and often earn a higher salary than nonvocational graduates of similar background.

My own State of Maryland is fortunate to have a very fine State council on vocational-technical education. I was pleased to have the opportunity to address the council's statewide conference on private sector-education cooperation held recently in Baltimore. This conference provided a forum for the exchange of ideas and information on all aspects of private sector education cooperation, and is a good illustration of the excellent efforts underway in Maryland to serve the approximately 300,000 individuals currently enrolled in public vocational-technical education programs in the State.

Mr. President, it is particularly important to note that at a time of increasing demand by students, the community and the private sector for vocational-technical education, the Federal support in this area has not kept pace with the demand. It is my hope that the designation of a "Vocational-Technical Education Week" will serve to reemphasize the need for strong Federal support for vocational education programs, and will draw attention to the importance of vocational education to the future economic development of our Nation and the well-being of our citizens.

Mr. President, I urge swift consideration and passage of this important joint resolution.●

ADDITIONAL COSPONSORS

S. 612

At the request of Mr. SIMON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 612, a bill to repeal a provision of Federal tort liability law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes.

S. 1081

At the request of Mr. BINGAMAN, the name of the Senator from Arizona [Mr. DECONCINI] 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. 1554

At the request of Mr. FOWLER, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 1554, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes.

S. 1851

At the request of Mr. METZENBAUM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 2030

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2030, a bill to amend the Marine Protection, Research, and Sanctuaries Act.

S. 2061

At the request of Mr. BURDICK, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 2061, a bill to establish national standards for voter registration for elections for Federal office, and for other purposes.

S. 2199

At the request of Mr. CHAFEE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2199, a bill to amend the Land and Water Conservation Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and recreational heritage, and for other purposes.

S. 2221

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2221, a bill to expand our national telecommunications system for the benefit of the hearing-impaired, and for other purposes.

S. 2367

At the request of Mr. LAUTENBERG, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2367, a bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes.

S. 2470

At the request of Mr. METZENBAUM, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2470, a bill to promote technology competitiveness and energy conservation in the American steel industry.

S. 2477

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2477, a bill to amend the Public Health Service Act to modify the authority for the regulation of clinical laboratories to require laboratories to qualify under proficiency testing programs, and for other purposes.

S. 2480

At the request of Mr. MOYNIHAN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2480, a bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits.

S. 2501

At the request of Mr. WILSON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Mississippi [Mr. COCHRAN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 2501, a bill to amend the Internal Revenue Code of 1986 to allow periods of out-of-residence care to qualify for the principal residence use requirements of the one-time capital gain exclusion for taxpayers who have attained age 55.

S. 2626

At the request of Mr. MOYNIHAN, the names of the Senator from Virginia [Mr. TRIBLE] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 2626, a bill to amend section 530 of the Revenue Act of 1978 to clarify the Federal income and employment tax treatment of providers of technical services through third party arrangements, and for other purposes.

S. 2641

At the request of Mr. MELCHER, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2641, a bill to authorize the Secretary of Agriculture and other agency heads to enter into agreements with foreign fire organizations for assistance in wildfire protection.

S. 2664

At the request of Mr. MOYNIHAN, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 2664, a bill to amend the Internal Revenue Code of 1986 to exempt from the capitalization rules certain expenses of producers of creative property.

S. 2669

At the request of Mr. BOREN, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Iowa [Mr. HARKIN] were

added as cosponsors of S. 2669, a bill to amend section 1388 of the Internal Revenue Code of 1986.

S. 2685

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2685, a bill to establish criminal penalties for the dumping of health care facility waste.

SENATE JOINT RESOLUTION 113

At the request of Mr. HEFLIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution proposing an amendment to the Constitution of the United States with respect to the impeachment of article III judges.

SENATE JOINT RESOLUTION 280

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 280, a joint resolution to designate the week of November 27, 1988, through December 3, 1988, as "National Home Care Week."

SENATE JOINT RESOLUTION 350

At the request of Mr. SIMON, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Indiana [Mr. LUGAR] 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 JOINT RESOLUTION 355

At the request of Mr. HEFLIN, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 355, a joint resolution designating October 7, 1988, as "National Teacher Appreciation Day."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. GRASSLEY, the name of the Senator from Alaska [Mr. STEVENS] 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 Florida [Mr. GRAHAM] 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. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 137—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. DODD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 137

Resolved by the Senate (the House of Representatives concurring), That permission is conferred on the National Council of Returned Peace Corps Volunteers to use the Rotunda of the Capitol, from 12:00 noon, November 21, 1988, until 12:00 noon, November 22, 1988, for a vigil of readings from personal Peace Corps journals by Returned Peace Corps Volunteers in honor of John F. Kennedy, the founder of the Peace Corps, on the 25th anniversary of his death.

SENATE RESOLUTION 456—PROVIDING FOR THE ISSUANCE OF A SUMMONS AND FOR RELATED PROCEEDINGS CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST ALCEE L. HASTINGS

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 456

Resolved, A summons shall be issued which commands Alcee L. Hastings to file with the Secretary of the Senate an answer to the articles of impeachment no later than September 8, 1988, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than September 23, 1988.

SEC. 5. The Secretary shall notify counsel for Alcee L. Hastings of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

SENATE RESOLUTION 457—TO DIRECT LEGAL COUNSEL TO REPRESENT SENATOR KERRY IN THE CASE OF BEAUCHAMP AGAINST KERRY

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas, in the case of *Beauchamp* v. *Kerry,* Civil Action No. 88-1932, pending in the Superior Court of the Commonwealth of Massachusetts, the plaintiff has named Senator John F. Kerry as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Kerry in the case of *Beauchamp* v. *Kerry.*

AMENDMENTS SUBMITTED

OCEAN DUMPING LEGISLATION

DODD (AND OTHERS) AMENDMENT NO. 2822

Mr. DODD (for himself, Mr. LAUTENBERG, Mr. CHAFEE, Mr. BRADLEY, and Mr. WEICKER) proposed an amendment to the bill (S. 2030) to amend the Marine Protection, Research, and Sanctuaries Act; as follows:

On page 6, line 1, insert "and medical waste" immediately after "sludge".

On page 10, following line 5, insert the following new subsection and redesignate subsequent subsections accordingly:

"(i) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, medical waste from the United States into ocean waters.

At the end of the bill add the following new sections:

"SEC. . Section 3 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1402) is amended by adding at the end thereof the following:

'(m) The term "medical waste" shall include syringes, hypodermic needles, vials or bags containing blood specimens, surgical gloves, and such additional items as the Administrator shall prescribe by regulation.'.

"SEC. . Section 301(f) of the Federal Water Pollution Control Act (33 U.S.C. 1311(f)) is amended by inserting 'or medical waste' immediately after 'radioactive waste'.

"SEC. . Section 502 of the Federal Water Pollution Control Act is amended by inserting the following at the end thereof:

'(20) The term "medical waste" shall include syringes, hypodermic needles, vials or bags containing blood specimens, surgical gloves and such additional items as the Administrator shall prescribe by regulation.'.".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2823

Mr. LAUTENBERG (for himself, Mr. BRADLEY, Mr. CHAFEE, and Mr. DODD) proposed an amendment to the bill S. 2030, supra; as follows:

At the end of the bill add the following new section:

"SEC. . Section 105(b) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1415(b)) is amended by inserting '(1)' immediately before 'In addition' and, at the end thereof, adding the following new paragraph:

'(2) Any person who knowingly violates section 104(B)(i) of this Act shall upon conviction be fined not more than $250,000, or imprisoned for not more than five years, or both.'.".

ROTH AMENDMENT NO. 2824

Mr. ROTH proposed an amendment to the bill S. 2030, supra; as follows:

On page 7, line 8, immediately after the period, insert "Nothing in this paragraph shall affect the prohibition contained in subsection (e)(1).".

On page 10, line 24, before the period insert", and the eligible authority acted in good faith".

LAUTENBERG (AND BRADLEY) AMENDMENT NO. 2825

Mr. LAUTENBERG (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 2030, supra; as follows:

At the end of the bill, add the following:

TITLE I—SHORE PROTECTION ACT OF 1988

SHORT TITLE

SEC. 101. This title may be cited as the "Shore Protection Act of 1988".

DEFINITIONS

SEC. 102. As used in this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "municipal or commercial waste" includes all solid waste, as defined in section 1004(27) of the Solid Waste Disposal Act, subject to the requirements of section 4003(a)(2) and other provisions of subtitle D of such Act. Such term shall include municipal garbage and refuse, commercial refuse, medical wastes, wood debris, and other solid waste. Such term shall exclude debris solely from construction activities, sewage sludge as regulated under the Ocean Dumping Act, and dredged or fill material as regulated under the Ocean Dumping Act, the Clean Water Act, and the Rivers and Harbors Act of 1899;

(3) "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

(4) "receiving facility" means the facility or operation where the waste material is unloaded from a vessel;

(5) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(6) "type of waste" means a characterization of the waste as municipal waste, commercial waste, medical waste, or waste of another character;

(7) "United States" includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands;

(8) "vessel" means any watercraft (other than a federally owned or private recreational watercraft) used for the purpose of transporting municipal or commercial waste;

(9) "vessel operator" means the person primarily responsible for the operation of the vessel;

(10) "vessel owner" means any person owning such vessel;

(11) "waste source" means the facility or vessel from which the municipal or commercial waste is loaded onto a vessel, including any rolling stock or motor vehicles from which such waste material is directly loaded; and

(12) "coastal waters under the jurisdiction of the United States" means—

(A) the territorial sea, and the marine and estuarine waters of the United States up to the head of tidal influence, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of the territorial sea, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured.

VESSEL IDENTIFICATION NUMBERS

SEC. 103. (a) No vessel may be used by any person to carry any municipal or commercial waste for any purpose within the coastal waters under the jurisdiction of the United States without first obtaining a vessel identification number for that vessel from the Secretary and displaying such number on the vessel in a clearly visible manner and location.

(b) Application for the vessel identification number required by subsection (a) shall be made by the vessel owner and shall contain the following information—

(1) the name, address, and phone number of the vessel owner or owners;

(2) the vessel's name and registration number;

(3) the vessel's home port;

(4) the vessel's transport capacity;

(5) a history of the types of cargo carried by that vessel during the previous year, including the type of waste carried; and

(6) signed certification by the vessel owner that all of the provided information is accurate.

(c) The Secretary shall make the vessel number application forms publicly available within 60 days after enactment of this Act.

(d) The vessel identification number must be renewed at least every 5 years and at any time that the vessel changes ownership. No new owner may operate the vessel or may allow the vessel to be operated using the vessel identification number obtained by the previous owner.

(e) The Secretary is authorized to collect up to $1,000 from the vessel owner to compensate for the cost of the issuance and maintenance of vessel identification numbers and maintaining records.

(f) Beginning 240 days after enactment of this Act, no vessel may carry municipal or commercial wastes unless a vessel identification number has been obtained for that vessel at least 30 days before the transport of such wastes takes place.

(g) The Secretary is authorized to, or at the request of the Administrator, shall deny a vessel identification number to any vessel for which the owner or operator has a record of a pattern of serious violations of this title, the Solid Waste Disposal Act, the Marine Protection, Research, and Sanctuaries Act, the Rivers and Harbors Act of 1899, or the Clean Water Act.

(h) The Secretary, after consultation with the Administrator shall issue or deny a vessel identification number in accordance with this section within 30 days after receiving a complete application.

(i) If the Secretary, after consultation with the Administrator, proposes to revoke or deny the vessel identification number, there shall be a public hearing on such proposed revocation or denial if the vessel owner requests such a hearing.

(j) The Secretary is authorized to combine applications for vessel identification numbers required under this title with applications for any other required registration number provided—

(1) the Coast Guard maintains a separate list of vessels subject to the requirements of this title; and

(2) the information requirements are consistent with those required under this title.

WASTE HANDLING PRACTICES

SEC. 104. (a) Beginning 60 days after the enactment of this Act—

(1) The owner or operator of the waste source shall take all reasonable precautions to assure that all municipal and commercial waste is loaded onto the vessel and that such waste deposited in the water is minimized.

(2) The vessel owner or operator shall assure that all municipal and commercial waste loaded onto the vessel is properly secured by netting or other means which will assure that the waste will not be deposited into the water during transport.

(3) The disposal facility owner or operator shall assure that all municipal and commercial waste is offloaded in a manner which assures that such waste deposited into the water is minimized during the unloading operations or during interment into the landfill.

(4) The owner or operator of any waste source or receiving facilities shall provide adequate control measures to collect any municipal or commercial waste that is accidentally deposited into the water.

(b) The Administrator shall promulgate regulations further defining and implementing the requirements of subsection (a). Such regulation shall require that waste sources and receiving facilities provide the means and facilities to assure that the waste will not be deposited into the water. Such regulations may require the submission and adoption by each affected party of an Operation and Maintenance Manual identifying procedures to be used to prevent, report, contain, and clean up any spill of municipal or commercial waste including recordkeeping and reporting requirements. Nothing in this section shall be construed to affect or supersede the Marine Protection Research, and Sanctuaries Act or the Solid Waste Disposal Act.

ENFORCEMENT

SEC. 105. (a)(1) Whenever on the basis of any information the Secretary (in the case of a violation under section 103) or the Administrator determines that any person has violated or is in violation of any requirement of this title the Secretary or the Administrator, as the case may be, may issue an order assessing a civil penalty for any past or current violation, requiring compli-

ance immediately or within a specified time period, or both, or the Secretary or the Administrator, as the case may be, 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) The Secretary may, and at the request of the Administrator, shall include a suspension or revocation of any vessel identification number issued by the Secretary under this title in any order issued pursuant to this section. Any order issued pursuant to this section shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of section 103 or $25,000 per day of noncompliance for each violation of section 104. In assessing such a penalty, the Secretary or the Administrator, as the case may be shall take into account the seriousness of the violation, past violations, and any good faith efforts to comply with applicable requirements.

(3) Any order issued under this subsection shall become final unless, no later than 30 days after the order the person or persons named therein request a public hearing. Upon such request the Secretary or the Administrator, as the case may be, shall promptly conduct a public hearing. In connection with any proceeding under this section the Secretary or the Administrator, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(4) If a violator fails to take corrective action within the time specified in a compliance order, the Secretary or the Administrator, as the case may be, may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Secretary may, or at the request of the Administrator shall, suspend or revoke any vessel identification number issued to the violator.

(5) In the discretion of the Secretary or the Administrator, as the case may be, up to one-half of such penalties may be paid to the person or persons giving information leading to the assessment of the penalty.

(b) 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. Each day of such violation shall, for the purposes of this subsection, constitute a separate violation.

(c) Any person who shall knowingly violate, or that shall knowingly aid, abet, authorize, or instigate a violation of this Act, shall be fined not more than $50,000 or imprisoned for not more than 3 years, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment. In the discretion of the court, up to one-half of such fine may be paid to the person or persons giving information leading to conviction.

(d)(1) Anyone authorized by the Secretary to enforce the provisions of this title may, (A) board and inspect any vessel on the coastal waters under the jurisdiction of the United States, (B) with or without a warrant arrest any person who violates the provisions of this title or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(2) The Secretary of the Treasury may refuse the clearance required by section 4197 of the revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this title which does not have a vessel identification number in compliance with section 103.

(3) The Secretary may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this title which upon request, does not produce evidence that the provisions of this title have been complied with.

(e) The Secretary may, or at the request of the Administrator shall revoke the vessel identification number in any instance where egregious or multiple violations have taken place. Before such action becomes final, the vessel owner must be given 30 days notice and opportunity for a hearing in accordance with subsection (a)(3). In the case of persistent violators with five or more separate violations within a 6-month period, the Administrator is directed to conduct an investigation of the vessels facility or operator. This shall not be construed to limit the Administrator's authority to investigate or the Secretary's authority to revoke vessel identification numbers in instances where egregious violations have taken place.

(f) This section shall be carried out with respect to foreign vessels consistent with the obligations of the United States under international law.

TRACKING STUDY

SEC. 106. (a) The Administrator, in consultation with the Secretary, shall undertake a study to determine the need for, and effectiveness of additional tracking systems for vessels to assure that municipal and commercial waste is not disposed in coastal waters under the jurisdiction of the United States. In conducting this study, the Administrator shall use the data collected from its permitting and enforcement activities and from the data compiled under section 103. In determining the effectiveness of tracking systems, the Administrator shall rely on the information provided by the Secretary under subsection (b). The report shall include a recommendation on whether additional tracking mechanisms are needed. This study shall be submitted to the Congress within 24 months after enactment.

(b) The Secretary shall provide recommendations to the Administrator concerning the various tracking systems that might be applicable to vessels carrying municipal or commercial waste which he currently is studying. The Secretary shall consider the relative effectiveness of various systems and the relative costs of the systems both to the Federal Government and to the vessel owner.

COAST GUARD RESPONSIBILITIES

SEC. 107. (a) The Secretary shall assure that periodic checks are made of vessels operating under this title transporting municipal or commercial waste to determine that each of these vessels carries the appropriate vessel identification number required by section 103.

(b) If the Administrator determines under section 7(a) that tracking devices are required to assure adequate enforcement of laws preventing coastal or ocean dumping, the Secretary shall issue regulations to require installation of the appropriate devices within 18 months after the Administrator completes the report the Administrator required under section 7.

RELATION TO OTHER LAWS

SEC. 108. (a) Nothing contained in this Act shall be construed, interpreted or applied to diminish obligations under any other Federal or State law, whether statutory or common.

AUTHORIZATION

SEC. 109. There are authorized to be appropriated $1,500,000 for each of the fiscal years 1989 and 1990, to support the provisions of this title.

DURENBERGER AMENDMENT NO. 2826

Mr. DURENBERGER proposed an amendment to the bill S. 2030, supra; as follows:

Add at the end thereof the following new section:

SEC. . Section 118 of the Federal Water Pollution Control Act is amended by adding "as amended in 1987" after "the Great Lakes Water Quality Agreement of 1978" wherever it occurs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT

GLENN (AND METZENBAUM) AMENDMENT NO. 2827

Mr. BYRD (for Mr. GLENN, for himself, and Mr. METZENBAUM) proposed an amendment to the bill (S. 2209) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, and research and program management, and for other purposes; as follows:

At the end, add the following new section:

SEC. 14.(a) The Administrator may, without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), and on such terms as the Administrator may deem to be appropriate, lease, for a term not to exceed 99 years, real property located at the Lewis Research Center in Cuyahoga County, to the State of Ohio, or a subdivision or agent thereof, or to a corporation or foundation organized exclusively for education or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, for the purpose of the construction and operation thereon of an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors. This lease shall be renewable for additional periods in the discretion of the Administrator.

(b) Subject to the availability of appropriations therefor, the Administrator may enter into agreements, on such terms as the Administrator may deem to be appropriate, with the State of Ohio, or a subdivision or agent thereof, or with a corporation or foundation organized exclusively for educa-

tional or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, pursuant to which the Administration may provide administrative, maintenance, instructional, and other appropriate support, with or without reimbursement, to an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors.

(c) The Administrator may redelegate the authority conferred in subsections (a) and (b), to such subordinate officers and employees as the Administrator may designate.

HOLLINGS AMENDMENT NO. 2828

Mr. BYRD (for Mr. HOLLINGS) proposed an amendment to the bill S. 2209, supra; as follows:

Redesignate sections 2 through 14 as sections 101 through 113, respectively.

Insert immediately before section 101, as so redesignated, the following centered heading:

"TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION".

In sections 101 through 111, as so redesignated, strike "this Act" each place it appears and insert in lieu thereof "this title".

In section 101, as so redesignated, insert "of the National Aeronautics and Space Administration (hereafter in this title referred to as the 'Administrator') immediately after "Administrator" the first place it appears.

In sections 102 and 103, as so redesignated, strike "section 2(c)" each place it appears and insert in lieu thereof "section 101(c)".

In sections 103 and 104, as so redesignated, strike "section 2(a)" and insert in lieu thereof "section 101(a)".

In section 106, as so redesignated, strike "section 2(b)" and insert in lieu thereof "section 101(b)".

In section 109, as so redesignated, strike "section 2(a)(1)" and insert in lieu thereof "section 101(a)(1)".

At the end, add the following new title:

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ATMOSPHERIC PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 201. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service under law, $279,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to National Weather Service operations and research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

SEC. 202. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast systems duties under law, $98,500,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to public warning and forecast systems specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the development, acquisition, and implementation of major public warning and forecast systems.

(b) In procuring information processing and telecommunications services of the National Oceanic and Atmospheric Administration for the Advanced Weather Interactive Processing System, the Secretary of Commerce (hereafter in this title referred to as the "Secretary") may provide, in the contract or contracts for such services, for the payment for contingent liability of the Federal Government which may accrue in the event that the Government decides to terminate the contract before the expiration of the multiyear contract period. Such contract or contracts for such services shall limit the payments which the Federal Government is allowed to make under such contract or contracts to amounts provided in advance in appropriation Acts.

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties under law, $51,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to climate and air quality research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the interannual and seasonal climate research, long-term climate and air quality research, and the National Climate Program.

(b) Of the sums authorized under subsection (a) of this section, $3,238,000 for fiscal year 1989 are authorized to be appropriated for the activities under the National Climate Program Act (15 U.S.C. 2901 et seq.).

(c) Of the sums authorized under subsection (a) of this section, $12,000,000 for fiscal year 1989 are authorized to be appropriated to establish a program for the purposes of studying climate and global change. Such program shall augment and integrate existing programs of the National Oceanic and Atmospheric Administration and shall include global observations, monitoring, and data and information management relating to the study of changes in the Earth's climatic system, fundamental research on critical oceanic and atmospheric processes, and climate prediction and diagnostics.

SEC. 204. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties under law, $44,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric research specified by the Act of 1890 and by any other law involving such duties. Such duties include research for developing improved production capabilities for atmospheric processes, as well as solar-terrestrial services and research.

SEC. 205. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties under law, $383,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary environmental satellites and land remote-sensing satellites, as well as the operation of such satellites.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) for the purpose of carrying out such duties relating to satellite observing systems.

SEC. 206. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $25,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include climate data services, ocean data services, geophysical data services, and environmental assessment and information services.

SEC. 207. (a) The Secretary shall prepare and submit to the Congress, not later than 90 days after the date of enactment of this Act, a 10-year strategic plan for the comprehensive modernization of the National Weather Service. The strategic plan shall set forth basic service improvement objectives of the modernization as well as the critical new technological components and the associated operational changes necessary to fulfill the objectives of weather and flood warning service improvements.

(b) The Secretary shall prepare and submit to the Congress, by the beginning of the fiscal year immediately following the fiscal year in which the strategic plan required by subsection (a) of this section is submitted, a National Implementation Plan for modernization of the National Weather Service. The National Implementation Plan shall set forth the schedules for necessary actions to accomplish the objectives described in the strategic plan, and the National Implementation Plan shall include—

(1) detailed requirements for new technologies, facilities, staffing levels, and funding, for each of the two fiscal years immediately following the fiscal year in which such National Implementation Plan is submitted, in accordance with the overall schedule for modernization;

(2) special measures to test, evaluate, and demonstrate key elements of the modernized National Weather Service operations prior to national implementation, including a multistation operational demonstration which tests the performance of all components of the modernization in an integrated manner for a sustained period; and

(2) detailed plans and funding for meteorological research to be accomplished under this title to assure that new techniques in forecasting will be developed to utilize the new technologies being implemented in the modernization.

(c) The Secretary shall submit a revised National Implementation Plan to the Congress at the beginning of each successive fiscal year after the fiscal year in which the initial National Implementation Plan is submitted.

(d) In reviewing and revising the National Implementation Plan, the Secretary shall consult, as appropriate, with other Federal and public agencies responsible for providing or utilizing weather services.

SEC. 208. (a) The Secretary shall not close, consolidate, automate, or relocate any Weather Service Office or Weather Service Forecast Office except in accordance with this section.

(b) The Secretary may not close, consolidate, automate, or relocate any such office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that such action will not result in any degradation of weather services provided to the affected area. Such certification shall include—

(1) a detailed comparison of the services provided to the affected area and the services to be provided after such action;

(2) any recent or expected modernization of National Weather Service operations which will enhance services in the affected area; and

(3) evidence, based upon operational demonstration of modernized National Weather Service operations, which supports the conclusion that no degradation in services will result from such action.

SEC. 209. (a) Except as otherwise provided in this section, the Secretary is authorized to assess fees, based on fair market value, for access to environmental data archived by the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration.

(b)(1) The Secretary shall provide data described in subsection (a) to Federal, State, and local government agencies, to universities, and to other nonprofit institutions at the cost of reproduction and transmission, if such data is to be used for research and not for commercial purposes.

(2) The Secretary shall waive the assessment of fees under subsection (a) as necessary to continue to provide data to foreign governments and international organizations on a data exchange basis or as otherwise provided by international agreement.

(c) The initial schedule of any fees assessed under this section, and any subsequent amendment to such schedule, shall be published by the Secretary in the Federal Register at least 30 days before such fees will take effect. The initial schedule shall remain in effect without amendment for the three-year period beginning on the date that fees under the schedule take effect.

(d) Any assessment of fees under this section shall meet the following requirements:

(1) No fees shall be assessed under this section until after September 30, 1989.

(2) With respect to the first one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than one-third of the fair market value specified in subsection (a).

(3) With respect to the second one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than two-thirds of such fair market value.

(4) With respect to the third one-year period during which the initial fee schedule is in effect, and with respect to any period thereafter, fees shall be assessed at no more than the full amount of such fair market value.

(e) Fees collected under this section shall be available to the National Environmental Satellite, Data, and Information Service for expenses incurred in the operation of its data archive centers.

(f) The Secretary shall, not later than 90 days after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report which sets forth—

(1) any plan of the Secretary for assessing fees under this section, including the methodology and bases by which the amount of such fees shall be determined, and the estimated revenues therefrom; and

(2) any plan of the Secretary for using revenues generated from such fees, as well as other resources, to improve the capability of the National Environmental Satellite, Data, and Information Service to collect, manage, process, archive, and disseminate the increasing amounts of data generated from satellites, radars, and other technologies.

(g) The authority of the Secretary to assess fees under this section shall be in addition to, and shall not be construed to limit, the authority under any other law to assess fees relating to the environmental data activities of the National Oceanic and Atmospheric Administration.

SEC. 210. The Secretary, in consultation with the Secretary of State, the Administrator of the National Aeronautics and Space Administration, and appropriate non-Federal organizations, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a plan to construct and operate a worldwide system of ground-based remote sensors to monitor the stratospheric levels of chemicals which can affect the level of ozone in the stratosphere and to use these results to improve our understanding of the possible changes in stratospheric ozone that are the consequence of human activities. The plan shall include time lines for construction and operation of the system, a description of the roles of the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, non-Federal organizations, other nations, and international organizations in constructing and operating the system, and estimates of the costs to construct and operate the system. The plan shall be submitted not later than July 1, 1989.

SEC. 211. It is the sense of the Congress that the global change program represents a significant opportunity for international cooperation and that it is in the best interest of the United States to maintain a separate civilian polar meteorological satellite program to facilitate data sharing with foreign participants in the global change program.

SEC. 212. None of the funds authorized under this title shall be used to move from Kansas City, Missouri, the National Weather Service Training Center currently located at Kansas City, nor to close such Center.

SEC. 213. For the purposes of this title, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653); and

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

INVESTIGATORY POWERS OF THE U.S. SENATE

GLENN AMENDMENT NO. 2829

Mr. BYRD (for Mr. GLENN) proposed an amendment to the bill (S. 2350) to clarify the investigatory powers of the U.S. Senate; as follows:

On page 1, line 6, strike "if the President" through "Constitution" on line 8 and insert the following: "If the head of the department or agency employing the officer or employee, with the approval of the Attorney General, has directed the officer or employee not to comply with the subpena or order and has provided the issuer of the subpena or order with a written statement setting forth the reasons for the refusal to comply".

On page 1, line 3, strike "1364" and insert "1365".

On page 1, line 4, strike "under the heading 'Senate actions',".

On page 1, line 10, strike "my" and insert "any".

Amend the title so as to read: "To clarify the investigatory powers of the United States Congress.".

GEOTHERMAL STEAM ACT AMENDMENTS

JOHNSTON AMENDMENT NO. 2830

Mr. BYRD (for Mr. JOHNSTON) proposes an amendment to the amendment of the House to the bill (S. 1889) to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes; as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be known as the "Geothermal Steam Act Amendments of 1988".

SEC. 2. DEFINITIONS.

(a) Section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001) is amended by adding the following at the end of the section:

"(f) 'Significant thermal features within units of the National Park System' shall include, but not be limited to, the following:

"(1) Thermal features within units of the National Park System listed in Section 28(a)(1) and designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

"(2) Crater Lake National Park.

"(3) Thermal features within Big Bend National Park and Lake Mead National Recreation Area proposed as significant in the Federal Register notice of February 13, 1987 (Vol. 52, No. 30 Fed. Reg. 4700).

"(4) Thermal features within units of the National Park System added to the significant thermal features list pursuant to Section 28(a)(2) of this Act.

(b) Section 6(d) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(d)) is amended to read as follows:

"(d) Except as otherwise provided for in this section, for purposes of this section the term 'produced or utilized in commercial quantities' means the completion of a well producing geothermal steam in commercial quantities. Such term shall also include the

completion of a well capable of producing geothermal steam in commercial quantities so long as the Secretary determines that diligent efforts are being made toward the utilization of the geothermal steam."

SEC. 3. LEASE EXTENSIONS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding the following new subsections:

"(g)(1) Any geothermal lease issued pursuant to this Act for land on which, or for which under an approved cooperative or unit plan of development or operation, geothermal steam has not been produced or utilized on commercial quantities by the end of its primary term, or by the end of any extension provided by subsection (c), may be extended for successive 5-year periods, but totaling not more than 100 years, if the Secretary determines that the lessee has met the bona fide effort requirement of subsection (h), and either of the following:

"(A) The payment in lieu of commercial quantities production requirement of subsection (i).

"(B) The significant expenditure requirement of subsection (j).

"(2) A lease extended pursuant to paragraph (1) shall continue so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional 25 years, for a total of 50 years, if such lease was also the subject of an extension under subsection (c) or an additional 30 years, for a total of 50 years, if such lease is only extended pursuant to paragraph (1).

"(3) If, at the end of either 50-year term referred to in paragraph 2, geothermal steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second term in accordance with such terms and conditions as the Secretary deems appropriate. For purposes of this paragraph only, the term 'produced or utilized in commercial quantities' means a bona fide sale or the use of geothermal steam by the lessee to generate electricity in marketable quantities.

"(h) To meet the bona fide effort requirement referred to in subsection (g)(1) the lessee must submit a report to the Secretary demonstrating bona fide efforts (as determined by the Secretary) to produce or utilize geothermal steam in commercial quantities for such lease, given the then current economic conditions.

"(i)(1) To meet the payments in lieu of commercial quantities production requirement referred to in subsection (g)(1)(A) the lessee must agree to the modification of the terms and conditions of the lease to require annual payments to the Secretary in accordance with this subsection.

"(2) Payments under this subsection shall commence with the first year of the extension. Payments shall be equal to the following:

"(A) In each of the first through the fifth payment years, at least $3.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth payment years, at least $6.00 per acre or fraction thereof, of lands under lease.

"(3) Failure to make the payments required by this subsection shall subject the lease to cancellation.

"(4) No payments made pursuant to this subsection shall be required after the earlier of the following:

"(A) The date of termination of the lease.

"(B) The date of relinquishment of the lease.

"(C) The date geothermal steam is produced or utilized in commercial quantities from the lease.

"(5) No payments made pursuant to this subsection shall be used to reduce rentals or future production royalties.

"(j)(1) To meet the significant expenditure requirement referred to in subsection (g)(1)(B) the lessee must demonstrate to the Secretary on an annual basis during an extension that a significant expenditure of funds is being made on the lease.

"(2) The following expenditures made by the lessee shall qualify as meeting the requirement of this subsection:

"(A) Expenditures to conduct actual drilling operations on the lease, such as for exploratory or development wells, or geochemical or geophysical surveys for exploratory or development wells.

"(B) Expenditures for road or generating facilities construction on the lease.

"(C) Architectural or engineering services procured for the design of generating facilities to be located on the lease.

"(D) Environmental studies required by State or Federal law.

"(3) Expenditures shall be equal to the following:

"(A) In each of the first through the fifth years, at least $15.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth years, at least $18.00 per acre or fraction thereof, of lands under lease.

"(4) Failure to make the expenditures required by this subsection shall subject the lease to cancellation.

"(5) No expenditures made pursuant to this subsection shall be required after the date geothermal steam is produced or utilized in commercial quantities from the lease.

"(6) Expenditures made pursuant to this subsection shall be in lieu of any minimum per acre diligent exploration expenditure requirement in effect for the lease at the end of its primary term, or at the end of any extension provided by subsection (c), as the case may be.".

SEC. 4. REVIEW OF COOPERATIVE OR UNIT PLAN OF DEVELOPMENT.

Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"No more than five years after approval of any cooperative or unit plan of development or operation, and at least every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan. In the case of a cooperative or unit plan approved before the enactment of the Geothermal Steam Act Amendments of 1988, the Secretary shall complete such review and elimination within 5 years after the enactment of such Act. Such elimination shall be based on scientific evidence, and shall occur only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated shall be eligible for an extension under subsection (c) or (g) of section 6 if it separately meets the requirements for such an extension."

SEC. 5. CONFORMING AMENDMENTS.

(a) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. All moneys received from the sales, bonuses, royalities and rentals under the provisions of this Act, including the payments referred to in section 6(i), shall be disposed of in the same manner as such moneys received pursuant to section 35 of the Mineral Leasing Act or pursuant to section 6 of the Mineral Leasing Act for Acquired Lands, as the case may be."

(b) Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking "notwithstanding the provisions of section 20 thereof,".

(c) Section 43 of the Mineral Leasing Act (30 U.S.C. 226-3) is amended as follows:

(1) In subsection (a) strike out "oil and gas", and after "this Act" insert "or under the Geothermal Steam Act of 1970".

(2) In subsection (b) after "oil and gas" insert ", coal, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources".

(d) The Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) is amended by adding the following new section:

"SEC. 29. The Secretary shall not issue any lease under this Act on those lands subject to the prohibition provided under section 43 of the Mineral Leasing Act."

SEC. 6. SIGNIFICANT THERMAL FEATURES.

The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) is amended by adding the following new section 28:

"SEC. 28. (a)(1) The Secretary shall maintain a list of significant thermal features, as defined in section 2(f), within units of the National Park System, including but not limited to the following units:

"(A) Mount Rainier National Park.

"(B) Crater Lake National Park.

"(C) Yellowstone National Park.

"(D) John D. Rockefeller, Jr. Memorial Parkway.

"(E) Bering Land Bridge National Preserve.

"(F) Gates of the Arctic National Park and Preserve.

"(G) Katmai National Park.

"(H) Aniakchak National Monument and Preserve.

"(I) Wrangell-St. Elias National Park and Preserve.

"(J) Lake Clark National Park and Preserve.

"(K) Hot Springs National Park.

"(L) Big Bend National Park (including that portion of the Rio Grande National Wild Scenic River within the boundaries of Big Bend National Park).

"(M) Lassen Volcanic National Park.

"(N) Hawaii Volcanoes National Park.

"(O) Haleakala National Park.

"(P) Lake Mead National Recreation Area.

"(2) The Secretary may, after notice and public comment, add significant thermal features within units of the National Park System to the significant thermal features list.

"(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

"(A) Size, extent and uniqueness.

"(B) Scientific and geologic significance.

"(C) The extent to which such features remain in a natural, undisturbed condition.

"(D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

"(b)(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within the units of the National Park System with significant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

"(c)(1) Upon receipt of an application for a lease under this Act, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the lands subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System. Such determination shall be subject to notice and public comment.

"(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System, the Secretary shall not issue such lease.

"(3) The Secretary shall not issue any lease under this Act for those lands, or portions thereof, which are the subject of a determination made pursuant to subparagraph (2).

"(d) With respect to all leases or drilling permits issued, extended, renewed or modified under this Act, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System where the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to:

"(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

"(2) requiring the lessee to report annually to the Secretary on activities taken on the lease;

"(3) requiring the lessee to continuously monitor geothermal steam and associated geothermal resources production and injection wells; and

"(4) requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on a significant thermal feature within a unit of the National Park System until such time as the significant adverse effect is eliminated. The stipulation shall provide for the termination of the lease by the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest lands or other lands administered by the Department of Agriculture available for leasing under this Act, including public, withdrawn, and acquired lands.

"(f) Nothing in this Act shall affect the ban on leasing under this Act with respect to the Island Park Geothermal Area, as designated by the map in the 'Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980, p. XI), and provided for in Public Law 98-473.".

SEC. 7. CRATER LAKE NATIONAL PARK REPORT.

On March 1, 1989, or 6 months after the date of enactment of this section (whichever is later), the Secretary shall submit to Congress a report on the presence or absence of significant thermal features within Crater Lake National Park.

SEC. 8. CORWIN SPRINGS KGRA STUDY.

(a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study on the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within the park. The area to be studied shall be the lands with the Corwin Springs Known Geothermal Resource Area as designated in the July 22, 1975, Federal Register (Fed. Reg. Vol. 40, No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Springs Known Geothermal Resource Area until 180 days after the receipt by Congress of the study provided for in subsection (a) of this section.

(c) The Secretary may not issue, extend, renew or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) in the Corwin Springs Known Geothermal Resource Area until 180 days after the receipt by Congress of the study provided for in section 8(a) of this Act. This section shall not be construed as requiring such leasing activities subsequent to the 180 days after study submittal.

(d) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsection (a) of this section may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the study required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

SEC. 9. CONSISTENCY PROVISION.

To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of Title I of Section 101(h) of Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266), this Act shall be deemed to supersede the provisions of such section.

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

BINGAMAN AMENDMENT NO. 2831

Mr. BYRD (for Mr. BINGAMAN) proposed an amendment to the bill (S. 1081) 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; as follows:

On page 32, line 2, strike "biannual" and insert in lieu thereof "biennial".

On page 47, insert between lines 21 and 22 the following new paragraph:

"(4) For purposes of this subsection, the term 'identified population subgroups' shall include, but not be limited to, groups based on factors such as age, sex, or race.".

HATCH AMENDMENT NO. 2832

Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill S. 1081, supra; as follows:

On page 47, line 24, strike out "or".

On page 48, line 3, strike out the period and insert in lieu thereof a semicolon and "or".

On page 48, add after line 3 the following new paragraph:

"(3) the authority of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).".

On page 45, line 22, beginning with "consistency" strike out all through the period on line 23, and insert in lieu thereof "that the guidance either is consistent with the 'Dietary Guidelines for Americans' or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretaries. If after such sixty-day period neither Secretary notifies the proposing agency that such guidance has been disapproved, then such guidance may be issued by the agency.".

NOTICE OF HEARING

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 2571, the Winding Stair Mountain, OK, wilderness bill, on September 7, 1988, at 2 p.m. in room 332, Russell Senate Office Building.

Senator WYCHE FOWLER will preside. For further information please contact Bob Redding of Senator FOWLER's office at 224-3643.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on August 9, 1988, at 2 p.m., to hold a markup on S. 1961, the Federal Debt Collection Act of 1987; S. 1863, a bill to amend the bankruptcy law to provide for special revenue bonds, and for other purposes; S. 1626, a bill to keep secure the rights

of intellectual property licensors and licensees which come under the protection of title 11 of the United States Code, the Bankruptcy Code; S. 1867, a bill to amend title 28, United States Code, to make certain improvements with respect to the Federal Court Interpreter Program, and for other purposes; S. 1456, a bill for the relief of Paulette Mendes-Silva; S. 1878, a bill for the relief of Thomas Nelson Flanagan; S. Res. 73, to refer S. 329, entitled "A bill for the relief of Dynamic Technology International, Inc., Riverside Precision Machines, and certain other individuals" to the Chief Judge of the U.S. Claims Court for a report thereon; H.R. 439, a bill for the relief of Thomas Wilson; H.R. 1490, a bill for the relief of Jean Young; S. 1878, a bill for the relief of Thomas Nelson Flanagan; S. 1754, a bill for the relief of Fleurette Seidman; and H.R. 1385, a bill for the relief of Travis D. Jackson.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the national ocean policy study be authorized to meet during the session of the Senate on August 9, 1988, at 9:30 a.m. to hold a hearing on S. 2408, legislation to transfer the Coast Guard cutter *Ingham* to the Naval and Maritime Museum at Patriots Point, SC.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on August 9, 1988, at 10 a.m. to mark up legislation to implement the United States-Canada Free-Trade Agreement and to consider final approval of the nominations of Salvatore R. Martoche to be Assistant Secretary of the Treasury, Enforcement, and Don E. Newquist and Ronald A. Cass to be Commissioners of the U.S. International Trade Commission.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for John Dowd, a member of the staff of Senator LEAHY, to participate in a program in Turkey sponsored by the Turkish Foreign Policy Institute, from August 20–28, 1988.

The committee has determined that participation by Mr. Dowd in the program in Turkey, at the expense of the Turkish Foreign Policy Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Warren W. Kane, a member of the staff of the Appropriations Committee, to participate in a program in Italy, sponsored by the Center for Civic Education at the University of Urbino, Italy, from October 8–15, 1988.

The committee has determined that participation by Mr. Kane in the program in Italy is in the interest of the Senate and the United States. Mr. Kane's expenses while in Italy will be paid by the Italian Government.●

LAST MINORITY

● Mr. SIMON. Mr. President, a recent issue of Business Week discussed the "last minority," the 36 million Americans with disabilities who are still fighting for their rights as citizens of this Nation. As the story illustrates, today people with disabilities are leading their own efforts to end the discrimination that prevents their achieving their full potential and leading lives of quality.

As people with disabilities become more active on their own behalf in changing public policy, those of us in policy setting roles have a responsibility to listen and respond. We did that recently in the enactment of the Fair Housing Act Amendments. I hope we will soon respond further, by barring discrimination in hiring and public accommodations through passage of the Americans With Disabilities Act.

The disability community itself is well aware that discrimination will not end overnight with the passage of legislation. But it is also clear that we need the law to bring people with all types of disabilities into our workplace, our community, and our lives. With all of the progress we have made in this area in the past decade, still far too many people with disabilities remain hidden from us in our daily lives.

One of the most important things we do through the enactment of these laws is to bring people with disabilities into places where all of us can see and recognize the irrationality of our fears and the invalidity of our prejudice.

People with disabilities are their own best advocates, and I welcome the new activism. Recognizing myself as just a "temporarily able bodied" individual—in fact, that is always a relative term, and I do use a hearing aid—I applaud the renewed efforts. I sense we are ready to take the final steps to bring about full equality for this last minority in America.

I am inserting the article, "The 'Last Minority' Fights for Its Rights," and urge my colleagues to take note of the article and the momentum that is moving us forward again. I ask that the article be printed in full in the RECORD.

The article follows:

[From Business Week, June 6, 1988]

THE "LAST MINORITY" FIGHTS FOR ITS RIGHTS

(By Joseph Weber)

Armed with a master's degree from Cornell University, Kenneth Silberman set out 18 months ago to find work in aerospace engineering. The 27-year-old Baltimore resident is still pounding the pavement with his white cane. "People just don't want to deal with blindness," he says. "They see it, and it scares them off."

For America's 36 million disabled people, life is more difficult that it need be. Social acceptance remains in the dark ages. Even skilled individuals often can't work—despite technologies that let paralyzed people run computers and that help the blind and deaf do just about anything. Only a third of the 15 million working-age disabled are employed, many of them below their capabilities. About 6 million subsist largely on Social Security and disability insurance.

Over the past 20 years, laws requiring better schooling and more accessible public sites have brought more disabled Americans into public life. Now the "last minority" is demanding equality—in a confrontational style reminiscent of 1960s street politics.

HOT TEMPERS

For five days in March, deaf students shut down Gallaudet University in Washington, D.C., until a hearing-impaired president was appointed. The National Federation of the Blind has publicly castigated a Philadelphia restaurateur who refused to serve blind diners. In April, a blind airline passenger refused to leave the smoking section for a seat near an emergency door, as the pilot required; police carried her off the plane.

The battle over public transit is a major one. Disabled groups agitate for lift-equipped buses, which they say provide parity for disabled workers. The American Public Transit Assn. (APTA) say such buses, now in service in about a third of U.S. transit systems, are expensive and underused. In San Francisco, fewer than 800 ride 1,600 lift-equipped busess daily. A lift adds about $14,000 to the price of a $200,000 bus. So, says APTA, local systems should consider jitneys or other solutions. That's anathema to the wheelchair-bound demonstrators (wheelchair-mobile is their preferred phase) dogging APTA officials across the U.S. Last month, 41 members of the radical American Disabled for Accessible Public Transportation were jailed overnight for blocking entrances to an APTA convention in St. Louis.

Activism has brought some victories. Chicago is under court order to begin buying lift buses. In February, the Eastern Paralyzed Veterans Assn. won a court order requiring Philadelphia to make some subway stations accessible. In 1985, after a six-year

fight, that group wrested a pledge from New York City to spend an unprecedented $40 million on elevators at key subway stops.

Federal legislation now pending would phase in such transit changes over 10 years. Fashioned by Presidential appointees to the National Council on the Handicapped, the Americans With Disabilities Act is sponsored by Senator Lowell Weicker (R-Conn.), who has a child with Down's syndrome, Senator Bob Dole (R-Kan.), whose right arm is paralyzed; and Representative Tony Coelho (D-Calif.), an epilepic. The bill bars discrimination in hiring, housing, or public facilities by applying stiff federal standards to the private sector.

Randolph Hale, vice-president of the National Association of Manufacturers, agrees that employers can do better but says costly accommodations may daunt smaller companies, But these days technology can open the workplace. For example, laser-equipped eyeglasses developed for fighter pilots will let quadriplegics work computers. The President's Committee on Employment of People with Disabilities advises employers on innovations.

REPUGNANT

Activists, however, recognize that their fight ultimately will be won by changing social attitudes. Weicker told the Senate of cerebral palsy victims barred from restaurants. A New Jersey zookeeper refused to admit Down's syndrome kids for fear of upsetting the chimpanzees. In Virginia, Lisa Thies, who moves her small body about in a wheelchair because of a brittle-bone ailment—but has full use of her hands—found an interviewer "just stammering and totally confused" at her clerical-job application. "We are talking about discrimination that starts in kindergarten and goes all the way through promotions and benefits on the job," says Peg Nosek, a rehabilitation specialist at Houston's Baylor College of Medicine who has spinal muscular atrophy.

The blend of discriminated and pity is particularly repugnant to activists. Echoing early feminism, some disabled people won't let the able-bodies open doors for them. The word "handicapped" is shunned, since it evokes limitations. A few years ago, Equal Employment Opportunity Commissioner Evan Kemp Jr., who has a neuromuscular disease, lambasted Jerry Lewis for using pity as a fund-raising device.

The National Multiple Sclerosis Society has taken note. Its new campaign extrols doers with MS, including a paralyzed marine biologist and a blind equestrienne. But the achievements of what Kemp calls "supercrips" are beside the point for disabled activists. They are fighting for the right to a regular life.●

JAPANESE-AMERICANS

● Mr. PRESSLER. Mr. President, the Senate recently voted on a very important issue—redress for citizens and resident aliens of Japanese ancestry who were relocated and interned in the United States during World War II. I did not enjoy voting against this bill, and for the record, I would like to state the reasons why.

During World War II, a grave injustice was committed against Americans of Japanese ancestry. Families were removed from their homes and jobs and were placed in internment camps. This was a clear violation of their civil liberties.

The United States lost many young soldiers who fought for our country and never returned. It was a time of hysteria. Pearl Harbor was bombed and our Navy fleet was crippled severely. Suspicion and racism ran rampant. At the time, most Americans thought the internment was the right thing to do.

As a nation, and as individuals, we long since have come to realize that the internment program was an enormous mistake and a tragic injustice. Thus, I wholeheartedly agree that a formal apology is in order.

What disturbed me about the redress bill was its provision for monetary reparations in addition to the apology. I was deeply concerned about the overall cost of the proposed compensation. At a time when the United States is more than $2.5 trillion in debt, can we afford to spend $1.2 billion for this purpose? At the present rate, the public debt will grow to $3 trillion by the year 1990. That would be a debt of approximately $12,000 for each man, woman, and child in the United States. It is unfair to future generations of taxpayers to add to this enormous debt. As lawmakers struggle to reduce Federal spending, difficult choices must be made on where to cut Federal funds. In that context, I find it difficult to explain this bill to my constituents and other American taxpayers.

Senator S.I. "Sam" Hayakawa is one of the most respected individuals ever to serve in this body. His eloquent speeches and mastery of the English language still are remembered. Senator Hayakawa is known around the world as a linguistic scholar. He wrote the highly regarded Language in Thought and Action. He is a man who never has shied away from controversy—including the issue of reparations for Japanese-Americans who were relocated during World War II.

Mr. President, I would like to share with our colleagues Senator Hayakawa's letter to me on this subject. The Senator has made many fine speeches on the internment of his fellow Japanese-American citizens. I also ask that Senator Hayakawa's December 7, 1982 Senate floor statement relating to the World War II internment of Japanese-Americans be printed in the RECORD at the close of my remarks.

It truly was an honor for me to serve in the Senate with my distinguished friend from California. Although the Senate and House have passed the redress bill, I hope all members of Congress will take the time to read Senator Hayakawa's remarks on this important subject before appropriating funds for this purpose. He certainly adds a thought-provoking perspective on this issue.

Mr. President, I ask that the aforementioned letter and statement be printed at this point in the RECORD.

The material follows:

S.I. HAYAKAWA,
Mill Valley, CA, May 17, 1988.

Hon. LARRY PRESSLER,
U.S. Senate, Washington, DC

DEAR LARRY: Bless your heart. Had I been still in the Senate, I would have voted with you.

I don't think the relocation program was cruel or unjust. After the destruction of the U.S. fleet at Pearl Harbor, there was nothing to stop the Japanese military from landing on the U.S. mainland. Certainly the U.S. defense forces feared a Japanese attack sufficiently to place nets across the entrance to San Francisco Bay. Some of the remains of those huge nets can still be seen on the shores of the Bay north of Tiburon, California.

The relocation of the Japanese to inland camps was, in my view, neither a mistake nor an injustice. The immigrant Japanese were not permitted to become naturalized by the laws then prevailing. In the event of an actual Japanese landing on American shores, the Japanese in the U.S. would have been in an ambiguous situation indeed. The immigrant generation would all have been "enemy aliens." Most of them spoke poor English or none at all. About half the American-born Japanese were still minors, since their parents were relatively recent immigrants.

The relocation of the Japanese and Japanese-Americans from the West Coast was necessary not only for military reasons, but also for the protection of the Japanese people themselves from the hostility of their American neighbors.

One can always look back on history and find better ways of handling difficult situations. But we must not forget that while we can study data concerning that unfortunate time, we cannot reproduce the wartime climate that then prevailed. Perhaps only those who lost loved ones or those men who were prisoners of war of the Japanese can still experience the anguish of that time.

Sincerely,

S.I. HAYAKAWA.

JAPANESE-AMERICANS

Mr. HAYAKAWA. Mr. President, I should like to remind my friends and colleagues that today is December 7, the 41st anniversary of the Japanese attack on Pearl Harbor.

Forty-one years ago today forces of the Empire of Japan attacked the United States at Pearl Harbor. Less than 3 months later President Franklin D. Roosevelt signed the Executive order that led to the relocation and detention of some 120,000 Japanese-American citizens and noncitizens in relocation centers.

In the four decades since that "day of infamy" we have destroyed our powerful adversary and built her up to be a powerful friend—so powerful that we now plead with her to restrict the export of her products.

In the four decades since the mutual hatreds of war, we have so healed ourselves that we now have a prosperous, thriving Japanese-American community which, despite its small population of about 600,000, includes not one, not two, but three U.S. Senators. The ancestors of these three men worshiped the Emperor. But these men stand in this Chamber, the heart of our de-

mocracy, and when the spirit moves them, freely criticize the President.

But one controversy has not subsided during the 41 years since Pearl Harbor. If anything, it has grown. That is the controversy over the relocation of Japanese-Americans.

In an effort to understand the issue, the Congress created a commission to investigate the events surrounding the relocation and to make any recommendations for redress. By law the commission must release its findings in a report by December 30, 1982. According to several newspaper reports, it will recommend compensation to those who were interned of up to $25,000 per person.

Whether or how we shall compensate those interned is a matter for future Congresses, of which I shall not be a Member. But as a U.S. Senator, a Japanese-American, and especially as an American, I must share my views on this most sensitive issue.

The wartime relocation of Japanese-Americans in 1942 can only be understood in the context of California history. As is well known, California has been the principal source of anti-Oriental propaganda in the United States for more than 100 years. During the Gold Rush days, by 1851, there were 25,000 Chinese in the State. It was a regular practice of miners, on a big Saturday night drunk, to raid the Chinese sections of mining towns to beat up or lynch a few Chinese just for the hell of it. Chinese were often the victims of mob violence. A mob of whites shot and hanged 20 Chinese one night in Los Angeles in 1871.

When the first transcontinental railroad, the Central Pacific, was completed, great ceremonies were held in connection with the hammering in of the Golden Spike to celebrate the occasion. Eloquent speeches were given praising the magnificent contributions of Englishmen, Irishmen, Germans, Frenchmen, and others who had contributed to the completion of the railroad. But no Chinese were invited to this event, although they above all—10,000 of them—had done the most dangerous and demanding labor to make the completion possible. The Chinese were dismissed when their work was done and set adrift without severance pay.

Anti-Chinese legislation and agitation were common throughout the latter half of the 19th century and well into the 20th. The workers discharged from the railroads drifted from town to town looking for work. In San Francisco they entered some of the skilled trades like hatmaking, cigarmaking, tailoring, and so on. It is an interesting fact that the first union label was one placed on cigars to tell the customer that this cigar was made by white men and not by Chinese. That is what the union label means. That is the proud origin of the union label. In 1882 the Chinese Exclusion Act was passed after much agitation on the part of Californians, including the very influential and then-powerful Sons and Daughters of the Golden West.

The persecution of the Chinese continued into the 20th century. Chinese-American friends of mine who are now older professional men in San Francisco remember the days when, if they left the Chinese area, they were beaten up by Irish and other toughs, so they had to stay within the limits of Chinatown. Throughout this period, pamphlets and books were published attacking Orientals as a menace to white society.

The Hearst newspapers continued to lead a crusade against the "Yellow Peril." The Sacramento Bee, Fresno Bee, Modesto Bee—all of the McClatchy chain—were notorious for their anti-Oriental propaganda. I remember as a high school student in Winnipeg in the early 1920's writing a term paper on anti-Oriental agitation in California, and it was then that I learned of the McClatchy newspapers, long before I knew where Sacramento, Modesto, and Fresno were. The Hearst newspapers were no better.

The attacks upon Orientals were not limited to the popular press or to labor unions and "patriotic" societies. It was highly endorsed by many of the leading intellectuals of the time. There were such books as Lothrop Stoddard's "The Rising Tide of Color, Against White World Supremacy" (1920). Other distinguished intellectuals who wrote warning books against the Orientals were people like Madison Grant, who wrote "Passing of the Great Race, or Racial Basis of European History" (1916). There was also the distinguished labor economist of the University of Wisconsin in the 1930's, Prof. E. A. Ross. When I was a graduate student at the University of Wisconsin in the 1930's, I used to see Professor Ross at the University Club. He never spoke to me nor did I ever speak to him. I did not know then what I learned much later, namely, that he was one of the leading intellectual advocates of exclusion of Orientals from the American labor force. He was regarded as a great liberal at the time.

There was also the widely accepted doctrine of what was later to be known as "Social Darwinism," to the effect that the white race was the highest point of human evolution, and that yellow, brown, and black people represented lower stages. Indeed, white people themselves were divided into the "higher" North European—"Nordic," "Aryan"—and the "lower" South Europeans—Slavs, Greeks, and Italians. The fact that these ideas were widely believed to be scientific is all too evident in the U.S. Immigration Act of 1924, which codified these ideas into law, and which gave high immigration quotas to British, Germans, and Scandinavians, lower quotas to Middle and South Europeans, and total exclusion to the Japanese. The Chinese had already been excluded in 1882.

Against this background of almost 100 years of successful anti-Oriental agitation throughout California, it is easy to understand that the attack on Pearl Harbor aroused in the people of California, as well as elsewhere, all the superstitious, racist fears that had been generated over the years, as well as the normal insanities of wartime. The surprise attack on Pearl Harbor was called "a stab in the back"—a typical Oriental form of behavior.

It is difficult for people who did not live through that dreadful time to reconstruct the terror and the anxiety felt by people along the entire west coast. Disaster followed upon disaster after the attack on Pearl Harbor. On that same day, December 7, 1941, Japanese forces landed on the Malay Peninsula and began their drive toward Singapore. Guam fell on December 10, Wake on December 23. On December 8 Japanese planes destroyed half the aircraft on the airfields near Manila. As enemy troops closed in, General MacArthur withdrew his forces from the Philippines and retired to Australia. On Christmas Day the British surrendered Hong Kong.

The Western World was scared stiff. The west coast of the United States, rich with naval bases, shipyards, oil fields, and aircraft factories, seemed especially vulnerable to attack.

There was talk of evacuating not just the Japanese from the west coast but everybody. Who knew what was going to happen next?

How frightening were the nightly blackouts during that bleak winter of defeat. Would Japanese carriers come to bomb the cities—San Diego, San Francisco, Los Angeles? Would submarines sneak through the Golden Gate to shell San Francisco? Would they actually mount an invasion? Who could tell?

I moved to San Francisco in 1955. You could still see along the shores of Marin County the great big remains of submarine nets that went across the Golden Gate to catch Japanese submarines in case they started sneaking through the Golden Gate. That is how serious the fear was.

War, of course, breeds fear of enemies within—spies, saboteurs. There were rumors that Japanese farmers in Hawaii had cut arrows in their fields to direct Japanese fighter pilots to targets at Pearl Harbor, and that west coast Japanese were equally organized to help the enemy. Such rumors were later found to be totally without foundation, but in the anxieties of the moment they were believed.

It was a field day for inflammatory journalists and newscasters: Westbrook Pegler, John B. Hughes—even Damon Runyon—on the radio every night, screaming, these alarmist broadcasts about the dangers of Japanese attack.

The columnist Henry McLemore wrote:

Herd 'em up, pack 'em off and give 'em the inside room in the badlands . . . Let us have no patience with the enemy or with any whose veins carry his blood . . . Personally I hate the Japanese. That goes for all of them.

So both at the level of sensational journalism and at the level of the social sciences into the 1930's, the idea of white supremacy was challenged by remarkably few. In California, white supremacy took the form of anti-Orientalism. The notion that the Oriental was shifty, mysterious, and untrustworthy was built into the culture in such books as the Sax Rohmer "Dr. Fu Manchu" novels.

Most Americans have always had difficulty distinguishing between Chinese and Japanese—I must say the Chinese and Japanese have the same difficulty—although the latter were treated far more leniently than the former. The Chinese, except for diplomats and merchants, were forbidden to bring women or wives to America, so that they were essentially a society of bachelors. You can still see many of these lonely old bachelors sunning themselves in Portsmouth Square in San Francisco.

If you want to see the evidence of history still alive, and that evidence in front of your eyes, you can see these old, elderly Chinese gentlemen in old, old clothes and old hats playing chess in Portsmouth Square, all of them 75, 80, and 90 years old. They are the old bachelors who came at a time when they did not let Chinese women into the country at all. But the Japanese could bring their wives or send for picture brides, that is, brides selected from photographs, so that they developed strong family ties and a place for themselves in American society, especially through their children who learned English in the public schools and helped to Americanize their parents.

Again the popular hue and cry was backed up by reputable intellectuals. Walter Lippmann, the dean of American social commen-

tators then and for decades thereafter, joined in the demand for mass evacuation. The idea was also supported at the time by such liberal intellectual journals as the Nation, the New Republic, and the extra-liberal but short-lived New York newspaper, PM.

On February 19, 1942, President Roosevelt signed Executive Order 9066, which set in motion the evacuation program. It applied to all Japanese, citizens and noncitizens alike, in the three Western States and a portion of Arizona. Altogether some 110,000 were relocated, of whom more than 70,000 were American citizens by birth; the remainder were not able to become citizens under the laws then prevailing.

Of course the relocation was unjust. But under the stress of wartime anxieties and hysteria and in the light of the long history of anti-Oriental agitation in California and the West, I find it difficult to imagine what else could have occurred that would not have been many times worse. If things had continued to go badly for American forces in the Pacific—and they did—what would Americans on the west coast have done to their Japanese and Japanese American neighbors as they learned of more American ships sunk, more American planes shot down, more American servicemen killed, including your husband, your boyfriend, your brothers? What would they have done? Would they have beaten their Japanese neighbors in the streets? Would they have ostracized and persecuted Japanese American children? Would mobs have descended on Little Tokyo in Los Angeles and Japan town in San Francisco to burn down shops and homes?

There was precedent for such behavior in California, especially directed against the Chinese. The Chinese started wearing lapel pins saying, "I am Chinese."

I recall a friend of mine, a Japanese American now living in Marin County, who was 11 years old when the war broke out. She and her parents were vastly relieved when they learned of their evacuation from the west coast. Most of her generation and her parents generation welcomed the evacuation as a guarantee of their personal safety.

The question is often asked why Germans and Italians were not interned and why the Japanese in Hawaii were left alone. The answer is simple. Germans and Italians were persecuted during World War I, when they were fairly recent immigrants, but there were too many of them to intern. However, "patriots" dumped garbage on the lawns of German homes, and in some east coast cities, all the German books in the public libraries were burned and courses in the German language offered in colleges and high school stopped. By the time of World War II, both Germans and Italians were a well-established and familiar part of American life. The same was true of the Japanese in Hawaii, who were more than 20 percent of the population there and well known and trusted. Besides there were not enough ships to transport the huge Japanese populations out of the major islands.

On the west coast of the American mainland, the situation was different. The Japanese were a small fraction of the population of California, Washington, and Oregon. The immigration of Japanese was principally between the years 1900 to 1924; then it was stopped by law. Japanese males, who constituted the first immigrants, married late in life because they felt that they had to have a steady job before they could send for a bride from Japan. Hence the typical Japanese American family consisted of a father 20 years older than the mother, and the average age of the Nisei, as the American-born Japanese were called, at the time of Pearl Harbor was 16.

This last statistic is of great importance in accounting for the evacuation and internment.

If the average age of the American-born Japanese is 16, it means that the average white adult official in California knew little or nothing about the Japanese. He had not gone to school with Japanese children nor visited their homes. He had not had Japanese friends on baseball or debate teams. Furthermore, the Japanese parent generation spoke little English or none at all. So the ruling classes, the people in the city councils, the State assemblies, and so on, did not know who the Japanese were. They did not know anything about them. So whatever Westbrook Pegler said about them was likely to be true.

For most white Americans, especially those old enough to sit in positions of authority, the Japanese were a strange and foreign element, so almost anything could be believed about them.

For example, it was widely believed—Japanese used to send their children, after public school, to Japanese language schools. It was widely believed that the Japanese children going to Japanese language school were being taught reverence for the Emperor of Japan, that they were being indoctrinated with Japanese patriotism.

This happened to be true. That is, many of the teachers who came over in the 1930's were products of the superheated patriotism in Japan that made it possible for Pearl Harbor to happen. However, it was not possible at that time to predict that this indoctrination in emperor worship would prove to be totally ineffective.

Incidentally, our distinguished colleague DANIEL INOUYE, as a pupil in a Japanese language school in Hawaii before World War II, kicked up a strenuous protest against the use of these schools to preach Japanese nationalism—and look what happened to him. He got elected to the U.S. Senate.

The relocation centers in desert areas to which the Japanese were assigned were, indeed, dreary places. However, the governing body of the centers, the War Relocation Authority, was headed by the wise and humane Dillon Myer, a midwesterner who, before his appointment, had known almost nothing about the Japanese.

Dillon Myer, by the way, died just about a month ago at quite an advanced age. I believe he was in his nineties.

Being a firm believer in democracy and justice and knowing the people in the camps had done nothing to deserve their internment, Mr. Myer did everything possible to make life tolerable for the internees. He encouraged camp self-government, hired teachers from outside to continue the education of the children, sent WRA staff around the East and Middle West to seek college admittance for Nisei who had graduated from the camp high schools. One result was that many Nisei students who, without enforced evacuation from the west coast, might have stopped with a high school education to work in their father's shops or farms, instead went on to college, including prestigious and private institutions such as Antioch, Oberlin, and Mount Holyoke, as well as to such great public institutions as Minnesota, Michigan, Wisconsin, and Purdue.

A large number of young people—middle-aged people by this time—from very modest families got a college education which they otherwise would never have if they had not been sent to relocation camp.

The officials of the staff of the WRA with a few exceptions were deeply concerned about the injustice of the relocation program, eager to restore the Japanese Americans, especially Nisei, to normal American lives. They fanned out over the United States east of the Rockies to seek employment for them. You must understand that the Japanese Americans that were put into camps were only those who lived west of the Rockies. If you lived east of the Rockies—Salt Lake City, Denver, Chicago—they left you alone, because you were not considered to be a military danger. I was living in Chicago, thank goodness.

They fanned out over the United States east of the Rockies to seek employment for the internees. Everywhere the Japanese Americans went, they impressed their employers by their industry and loyalty, so that more were summoned from the camps—scientists, teachers, mechanics, food processors, agricultural workers. By the time the order excluding Japanese from the west coast was rescinded on January 2, 1945, half the internees had found new jobs and homes in mid-America and the East.

I emphasize this last point because the relocation centers were not "concentration camps." The younger generation of Japanese Americans love to call them concentration camps. Unlike the Nazis, who made the term "concentration camp" a symbol of the ultimate in man's inhumanity to man, the WRA officials worked hard to release their internees not to be sent to gas chambers but to freedom, to useful jobs on the outside world and to get their B.A. at Oberlin College.

By 1945, there were almost 25,000 Nisei and Issei in Chicago, a city that was most hospitable to Japanese, and I myself found relatives I did not know existed. Other Midwest and Eastern cities acquired Japanese populations they did not know before the war: Minneapolis, Cleveland, Cincinnati, New York, Madison, Wis., Des Moines, St. Louis, and so on. And those who remained in camp in most cases did so voluntarily. These were the older people, afraid of the outside world, with the Nation still at war with Japan.

I point out these facts to emphasize the point that to call relocation centers concentration camps, as is all too commonly done, is semantic inflation of the most dishonest kind, an attempt to equate the actions of the U.S. Government with the genocidal actions of the Nazis against the Jews during the Hitler regime. As an American I protest this calumny against the Nation I am proud to have served as an educator and even prouder to serve as a legislator.

Now, the relocation center at Tule Lake, Calif., was different from the others. It was there that those who resisted the evacuation and internment, including a Japanese veteran of the U.S. Army in World War I, a Nisei who renounced American citizenship in protest against the relocation, and other angry people were sent to isolate them from those who patiently accepted their internment. There were frequent distrubances at Tule Lake.

The trouble-free lives at all the relocation centers other than Tule Lake can be contributed to a cultural trait of the Japanese, clearly seen in the Issei, that is, the older generation of immigrants, but almost un-

heard of in their American-born grandchildren, and that is the concept of gaman, which means endurance. Gaman is to endure with patience and dignity, especially dignity, hardships, misfortunes or injustices, especially those about which nothing can be done.

I am sure there are some Americans who will be enraged at the suggestion that anyone was happy in a relocation camp. But with the concept of gaman, you learn to make the best of a tough situation, endure with patience and dignity the situation you are in and make the best of it.

The people in the relocation camps were shopkeepers, market gardeners, farmers, laborers, all in relatively humble occupations, finding themselves with 3 years of leisure on their hands.

As one elderly gentleman said recently, "That was the first time in my life that I didn't have to get up at 4 o'clock in the morning to milk the cows."

Finding themselves with some leisure in their lives, they went in for art. There was a tremendous artistic output. They turned out little masterpieces of sculpture, flower arrangements, and ceramics and painting, later memorialized in a scholarly volume entitled "Beauty Behind Barbed Wire" by Allen Hendershott Eaton, 1952.

How else can one account for the elderly Japanese farmers and grocers who gathered around a bridge table to go over the nagauta, a traditional, long narrative song, and the music from the kabuki, which is the Japanese equivalent of opera?

For many older Japanese, the relocation turned out to be a 3-year release from unremitting work on farms and vegetable markets and fishing boats, and they used this leisure to recover and relive the glories of their traditional culture.

Now I come to the most important part of the story. It is the story of the Nisei, the children of the older generation I have just been talking about.

It was a great humiliation for the Nisei of the 100th battalion of the Hawaii National Guard to be sent to Camp McCoy, Wis., where they were trained with wooden guns.

SPARK MATSUNAGA, now a U.S. Senator from Hawaii, was in that unit. He writes:

We wrote home of our great desire for combat duty to prove our loyalty to the United States. It was not known to us then that our letters were being censored by higher authority. We learned subsequently that because of the tenor of our letters, the War Department decided to give us our chance. Our guns were returned to us, and we were told that we were going to be prepared for combat duty * * *. Grown men leaped with joy.

On January 28, 1943, the War Department announced that Nisei would be accepted as a special combat unit. They volunteered in the thousands both from Hawaii and from the relocation camps. They were united with the 100th Battalion as the 442d Regimental Combat Team at Camp Shelby, Miss.

The 100th Battalion first saw action at Salerno, Italy, in September 1943, and took heavy casualties. The 442d landed in Italy in June 1944, at once gained a reputation as an assault force, and accomplished the famous rescue of the "lost battalion" of the 36th (Texas) Division at an enormous cost in blood. Fighting in seven major campaigns, the men of the 442d suffered 9,486 casualties and won more than 18,000 individual decorations for valor.

Another 3,700 Nisei served in combat areas in the Pacific as translators and interpreters. The Japanese military, believing their language to be too difficult for foreigners to master, were careless about security. They did not count on Nisei on every battlefront reading captured documents and passing information on to Allied commanders. Kibei, Nisei born in America but educated in Japan and originally the object of special distrust, turned out to be especially helpful in this respect.

They were born in America. They were American citizens, but they were educated in Japan. They could read Japanese very well, so they were very, very good for intelligence work.

In short, the Nisei covered themselves with honor and made life in America better for themselves, their parents, who a few years after the war won the right to be naturalized, and their children. I remember vividly the returning Nisei veterans I saw in Chicago soon after V-E Day. Short of stature as they were, they walked proudly, infantry combat citations on their chests, conscious that they were home—in their own country. Chicago, known throughout the war for its hospitality to servicemen, outdid itself when the Nisei returned. They had earned that welcome.

The relocation was a heart-breaking experience for Japanese Americans as well as a serious economic loss for those who had spent decades of labor on their farms and businesses. But most seriously it was an affront. America was saying to them, "You are not to be trusted. You are Japs. We doubt your loyalty."

The Nisei, although very much Americanized, are in some respects profoundly Japanese. An imputation of disloyalty, being an affront, was also a challenge. A powerful Japanese motivation is "giri to one's name"—the duty to keep one's reputation—and one's family's—unblemished. Giri is also duty to one's community, one's employers, to one's nation. The Nisei's nation was the United States. One accused of disloyalty is dutybound to remove that disgrace by demonstrating himself to be loyal beyond all expectation.

This is a basic reason the Nisei volunteered in such numbers and fought so well. More than 33,000 Nisei served in the war—a remarkable number out of a total Japanese American population—Hawaii and mainland combined—of little more than 200,000. They had a fierce pride in their reputation as a group.

The Nisei were also motivated by "giri to one's name." Those who found jobs outside the camps were exemplary workers, as if to prove something not only about themselves but about their entire group. Japanese Americans, young and old alike, accepted the mass relocation with dignity and maturity, making the best of a humiliating situation. In so doing, they exhibited the finest resources of their ancient background culture.

The prewar theory of white supremacy was completely discredited by the crushing defeat of Hitler and Hitlerism. The prejudice against Japanese in America was all but wiped out by the courage and the sacrifice of Nisei service men in Italy and the Pacific. Then in the 1960's came the civil rights movement, which further discredited doctrines of racial superiority and inferiority. We live today in a totally different era, in which the prevailing racialist theories of the 1930's and earlier are seen as historical curiosities.

The Nisei, with their courage, and their parents, by their industry, have won for Japanese Americans the admiration and respect of all Americans. Japanese Americans have an average level of education higher than any other ethnic group, including whites. They have a higher representation in the learned professions—medicine, law, engineering, computer science—than other ethnic groups—and in this respect they are doing as well as another group famous for their respect for learning—namely, the Jews. The per capita income of Japanese-Americans is $500 a year above the national average. And they have, with a population of less than half a million, three representatives in the U.S. Senate, while the blacks, with a population approaching 23 million, have none. What more can Japanese-Americans want? We are living today at a time when Japanese-Americans are almost a privileged class, with their notorious scholastic aptitude, their industriousness, and their team spirit in whatever occupation they find themselves.

Mr. President, I am proud to be a Japanese-American. But when a small but vocal group of Japanese-Americans calling themselves a redress committee demand a cash indemnity of $25,000 for all those who went to relocation camps during World War II, including those who were infants at the time and those who are now dead, a total of some two and three-quarters of a billion dollars—we have been seeing this in a series of articles being published in the Washington Post—my flesh crawls with shame and embarrassment.

Let me remind the Japanese American Redress Committee that we also live in a time when American industry is seriously threatened by Japanese competition—in automobiles, steel, cameras, television, and radio sets, tape recorders, and watches. I warn the Japanese Americans who demand about $3 billion of financial redress for events of 41 years ago from which nobody is suffering today, that their efforts can only result in a backlash against both Japanese Americans and Japan. And to make such a demand at a time of the budget stringencies of the Reagan administration is unwise enough, but to make this demand against the background of their own record as America's most successful minority is simply to invite ridicule.

Let me remind the Japanese Americans that we are, as we say repeatedly in our Pledge of Allegiance, "one nation," striving to achieve "liberty and justice for all."

This means—and I say this to black Americans and Mexican Americans and all other ethnic political groups—let us stop playing ethnic politics to gain something for our own group at the expense of all others. Let us continue to think of America as "one nation, under God, indivisible" and let us act accordingly.●

● Mr. GLENN. Mr. President, I rise today to pay tribute to three distinguished citizens of Cleveland, OH, Jack, Joseph, and Morton Mandel. These brothers, with their families, have a long record of support for education and concern for social problems and social services in our communities.

On September 6, 1988, Case Western Reserve University in Cleveland will honor the Mandel family in a convocation celebrating the naming of the Mandel School of Applied Social Sciences.

Morton, Jack, and Joseph Mandel and their families have most recently made a major gift of $3 million for the unrestricted support of Case Western Reserve University's School of Applied Social Sciences. The SASS, one of our Nation's leading schools of social work, has already benefited from the generosity of the Mandel family in continuing support over many years. Previous contributions include the establishment of the innovative Mandel Center for Non-profit Organization and the Henry L. Zucker Professor of Social Work Practice.

In a community with a long tradition of academic excellence and caring about the quality of social services, Jack, Joseph, and Morton Mandel are shining examples of leadership and commitment. It is with great pride that I ask my colleagues to join me in saluting these distinguished Ohioans for whom the Mandel School of Applied Social Sciences at Case Western Reserve University is named.

I ask that the Cleveland Plain Dealer editorial of March 26, 1988, "The Mandel School" be printed in the RECORD.

The editorial follows:

THE MANDEL SCHOOL

Bestowing benefactors' names on university buildings or programs is a time-honored way of raising funds and public awareness for an institution. But there was an unusual aspect to the renaming of the School of Applied Social Sciences at Case Wastern Reserve University in honor of Cleveland's Mandel family. Of nearly 100 social services schools in the country, only six are named for families or philanthropies. That individuals would support programs committed to the quality of social service education and community life—instead of the more commonly endowed schools of business or finance—speaks volumes about their sense of priorities.

The Mandel brothers—Jack, Joseph and Morton—founded Premier Industrial Corp. They have given generously of their time and funds to the community and university for many years. In 1984, they endowed a center and a professor's chair to educate leaders of non-profit organizations. The Mandel's recent gift will enable construction of a new building for MSASS and increase the school's permanent endowment.

More than most segments of higher education in Greater Cleveland, MSASS has a direct involvement with the community. Fortunately, that's truer now than in the not-so-distant past, when the school's key people preferred to make their mark on national or international issues. Cleveland, with its myriad social problems, provides a rich laboratory for study and an opportunity for the Mandel School to help improve the community. MSASS is expanding that effort. It's planning an institute for research into the causes of poverty, and a northern Ohio consortium on social work education. As one of the nation's top graduate programs in social services, the school is in a strong position to use the Mandel's generosity to strengthen its educational quality, research and public service.●

RECOGNIZING THE NATIONAL MEDAL OF ARTS RECIPIENTS

● Mr. D'AMATO. Mr. President, each year since 1985 President Reagan has honored outstanding artists—and patrons of the arts—for their contributions to artistic excellence in America, by awarding the National Medal of Arts. For 1988, the President has selected 12 recipients of the medal. I rise today to honor all of the 1988 recipients, and I would like to pay a special tribute to the three New Yorkers so honored: Mrs. Vincent Astor, Francis Goelet, and Jerome Robbins.

Mrs. Vincent Astor—Brooke Russell Astor, as president of the Vincent Astor Foundation, has been a leading patron of a variety of projects in the New York metropolitan area. The Foundation is credited during her tenure with providing over $64 million to the arts. Among those receiving Astor Foundation funds were the Metropolitan Museum of Art, the New York Public Library, the Pierpont Morgan Library, the Lincoln Center for the Performing Arts, Carnegie Hall, the Metropolitan Opera, and the Brooklyn Museum—Mrs. Astor also serves as a trustee of the Metropolitan Museum of Art, the New York Public Library, and the New York Zoological Society.

Mr. Francis Goelet has been a leading patron of the New York Philharmonic since 1959. In that time, it is fair to say that, Mr. Goelet has been a major influence in development of American music. He has commissioned for the New York Philharmonic numerous works by American composers including Copland, Piston, Thomson, Sessions, Schuman, Walton, and Schuller. Some of the efforts funded by Goelet include Crumb's "A Haunted Landscape"; Schuman's "Three Colloquies for the French Horn"; Rochberg's "Oboe Concerto"; Druckman's "Prism"; and Corigliano's "Concerto for Clarinet."

Jerome Robbins, the third recipient of the medal, is a legend. As a dancer he has achieved enormous success onstage; he has multiplied that achievement out of the spotlight as a choreographer and director. A lifelong resident of New York, Robbins made his debut at the age of 19 as a modern dancer with the Gluck Sandor-Felicia Sorel Dance Center. His success as choreographer began with the American Ballet Theatre for which he choreographed "Fancy Free," "Interplay," "Facsimile," "Summer Day," and "Les Noces." His numerous Broadway shows include "Call Me Madam" and "The King and I." Perhaps most enduringly, he both directed and choreographed "West Side Story" and "Fiddler on the Roof." Mr. Robbins' influence has also extended to many motion picture and television productions.

Mr. President, one could recite at length the achievements of all three of these remarkable individuals. In their own unique way, each has made an immeasurable contribution to American culture and each deserves our highest praise and admiration. It is a personal pleasure to extend my appreciation and congratulations to Mrs. Vincent Astor, Mr. Francis Goelet, and Mr. Jerome Robbins, 1988 awardees of the National Medal of Arts.

CATHEDRAL HIGH SCHOOL, BOSTON, MA

● Mr. KERRY. Mr. President, I want to take this opportunity to recognize the achievements of some outstanding young people in Boston, MA. The students of Cathedral High School who have taken part in the Thomas Jefferson Forum Program at their school are true American heroes and examples for all of us to follow.

The Jefferson Forum Program creates an avenue for students to participate in community service projects through their high schools. At Cathedral High School, under the guidance of coordinator Ray Dewar, the students undertook the goal of renovating and expanding a park and garden area for elderly residents of the neighboring St. Helena's House. For the past year students of diverse racial and ethnic backgrounds used their free time after school and on weekends to create this park and in doing so learned to work with government to help people. They came to realize that individuals can make a positive difference in other peoples' lives.

The students were involved in all aspects of creating the park, from writing a grant proposal, to budgeting available funds and resources, to cutting wood and designing a garden area. They took on responsibility and handled it well. They became full participants in society and as a result of their efforts, elderly residents of St. Helena's House now have an outdoor place to go to where they can garden or just sit and enjoy nature.

I commend the efforts of Ray Dewar and the students who took a leadership role in this project, Terence Stanton, Regine Ostine, Paul Francisco, Terri Fulcher, James Hendricks, David Niles, and Ken Pires. By bringing together teachers, administrators, classmates and government officials they have made their community a better place to live and have enhanced the lives of countless people. Recognition should also go to Sister Pat and Sister Agnes of Cathedral High School for their support.

The students who participate in Cathedral High School's Jefferson Forum Program are proof that there are alternatives to drugs and the streets. Their commitment and dedica-

tion to their community and fellow citizens are outstanding and set a high standard for classmates and students across the country. At Cathedral High School the dream truly is still alive and because of the efforts of these young people, it is thriving.●

"DO THE HOMELESS HAVE SOULS?"

● Mr. MOYNIHAN. Mr. President, I rise today to enter into the RECORD an article that appeared in the Newsday magazine of Sunday last entitled "Do the Homeless Have Souls?", written by the Pulitzer Prize winning author William Kennedy.

The debate surrounding our most intractable of problems, the homeless, has become one almost exclusively of facts and figures, dollars and cents. The figures are indeed staggering. Whether you agree with the current administration that there are 500,000 homeless or with the National Coalition for the Homeless that there are over 3 million, either figure represents a national disgrace.

In 1988 when fiscal responsibility is the leading ideology of the day, we tend to define our problems and our solutions in wholly fiscal terms. Those most likely to receive aid are those we can afford to help, not necessarily those most in need. This is a tendency devoutly to be avoided. We do need to ensure that we spend no more than we take in, no doubt; yet what we must not do is forget that the homeless are not a figure—"3 million"—or an abstract issue—"the homeless." They are rather a group of families and individuals who, for some reason or other, have nowhere to go. They do not choose to be homeless. Some are mentally ill. Some simply cannot pay the rent. And none are well-served by relegation to a figure in an accountant's table. It is of this that Mr. Kennedy reminds us.

Mr. President, I ask that this article be included in the RECORD at the conclusion of my remarks, and I urge my colleagues to read it thoroughly.

The article follows:

[From Newsday, Aug. 7, 1988]

DO THE HOMELESS HAVE SOULS?

(By William Kennedy)

Lead up to the topic question gradually. First ask do people who own their own homes have souls? Yes. How about people who pay rent? Not too many of these have souls. What about people who live in cars? Very few of them have one. And those who live in cardboard boxes? Only if they live entirely inside the box do they stand a chance of having a soul. People who live with their legs outside the box are lost, for the soul dissolves when it rains. One man who slept in his box for two years woke in a torrential storm to find himself floating and his soul gliding into the sewer at flood level.

What do you remember about being homeless? Nothing; I have always had a home; I have always had a suit and a proper necktie. What of your father? He always owned a suit. Your grandfather? He had a home but lived in a room with ashes. Your great grandfather? He lived in a ditch. Your great great, etc., grandfathers? They lived in the muck: "fingers sink the toes sink in the slime these are my holds . . . the tongue gets clogged with mud that can happen too only one remedy then pull it in and suck it swallow the mud or spit it out its one or the other and question is it nourishing," said Beckett.

How many kinds of homeless are there? Twelve. Name them. Men, women, children, animals and eight others. Do burglars get Christmas presents? Yes. How about prostitutes? Yes, if they are good. Do you remember Hell's Kitchen? Like it was yesterday. Nothing was more wicked, with its three-cent whiskey. They arrested 82,000 in New York in 1889 and 10,000 were under 20. Well yes, but it's not that bad today. Maybe not, but over in Hell's Kitchen Park right now you could pick up maybe 75 people smoking crack, or dealing it, or selling their bodies to buy it. Nowhere to go, said the Park's 21-year-old crack whore who needs $300 a day to stay tuned; and the same theme pervades Joyce Kilmer Park over in the Bronx: Crack was made for fools like me, but only God can smoke a tree.

Now that you've gotten around to God, let me ask another question: Is Ronald Reagan homeless? Yes. Does he have a soul? No. Will he be remembered for the war on drugs, or the budget deficit, or fraternizing with Gorbachev? No, he will be remembered for his remark that people who sleep on heating grates in the street are there by choice. Why do people hate the homeless? People hate the homeless because they are there; if they were elsewhere people would love them. Are you your brother's keeper? I would like to be, but the last time I saw him I didn't get to see him, because he was wrapped in plastic. Why didn't you unwrap him? Because the plastic was keeping him. Warm.

Would you lend your grocery cart to a homeless woman? Certainly not; she would fill it with cans and bottles. But that's how the homeless make their living, by turning in empty cans and bottles to redemption centers. There is no redemption. Why is that? Because God is on vacation. If they do not get caught in the rain, at what point do homeless people lose their souls? "Deterioration of the sense of humour fewer tears too that too they are failing too and there another image yet another a boy sitting on a bed in the dark or a small old man I can't see with his head be it young or be it old his head in his hands I appropriate that heart," said Beckett.

In what way may someone cease to be homeless? Sleep under snow. Stay away from heating grates. Eat garbage and die. Step to one side when you see a body falling out the window and check immediately with the landlord for vacancies. Is there any way to make the homeless into human beings? No. This is terrible; isn't there anything we can do to change this situation? Not unless you want to deteriorate into a leper licker. However, prosperity is just around the corner, and job applications are being taken by all Pentagon contractors.

Will we ever stamp out crack? No. Will there always be homeless people on the street? Yes, thank God, as long as there are heating grates. Have you ever met a homeless person with a soul? Once. A woman with two grocery carts and two dogs. She was weak and could not push and pull all her belongings at the same time. She pushed a little, stopped, came back and pulled the second cart to which the dogs were attached. How can you be sure she had a soul? She was taking care of the dogs, which were not herself. What did you do for that woman? I gave her twenty dollars, all I had in my pocket. What did she say? Nothing. She tried to smile. Did the gift assuage your guilt over the homeless? Yes. I felt like a saint. Was this a lesson to you? Indeed, for if we all give money to the homeless we will cease to feel guilty and the homeless will then disappear from the corner of our eye.

Are there any images you would like to leave with us? Yes, I recall two alcoholics with only three legs between them, and a very drunken Romanian going blotto under a piece of carpet next to a steam pipe, and a homeless couple smiling and sharing a cigarette, or maybe it was a joint, and a homeless man celebrating his condition with wine, beer and coffee, and a homeless woman wearing three coats, at least, and a homeless man with a white Jesus beard eating a crust of bread, and in these faces there is desolation, anticipation of the void, and sometimes a grimace of defiance, or to conclude from that as Beckett did, "to conclude from that that no one will ever come again and shine his light on me and nothing ever again of other days other nights no . . ." Amen.●

VETO MERELY A POLITICAL PLOY

● Mr. NUNN. Mr. President, a recent editorial in the publication Defense News dated August 8, 1988 included an editorial entitled "Veto Merely a Political Ploy."

Mr. President, Defense News is a weekly publication which specializes in coverage of national security matters. This newspaper has a reputation for thorough and accurate coverage of defense-related matters. I think it is particularly significant that Defense News would conclude in their editorial that: "President Reagan's veto last week of the defense authorization bill was not the work of one truly concerned about the defense program. It was an unabashed political ploy designed to garner votes at the polls in November. Those knowledgeable about defense understand that this does not strengthen national security; it weakens it."

Mr. President, I ask that the editorial "Veto Merely a Political Ploy" be printed in the RECORD in its entirety.

The editorial follows:

[From the Defense News, Aug. 8, 1988]

VETO MERELY A POLITICAL PLOY

President Reagan's veto last week of the defense appropriations bill was not the work of one truly concerned about the defense program. It was an unabashed political ploy designed to garner votes at the polls in November. Those knowledgeable about defense understand that this does not strengthen national security; it weakens it.

The President's ostensible reason for vetoing the measure was that it contained insufficient funds for the Strategic Defense initiative (SDI). That is drivel. The president was lucky to get $4.1 billion for SDI in 1989, and everyone in the White House knows it.

It is slightly more than adequate given the administration's agreement last November to hold down defense spending. It is the conventional element of the nation's defenses that need attention. At the direction of the administration, air wings and Army divisions are being decommissioned at the very moment that the president vetos the defense bill for want of an additional $800 million for SDI.

A tangential issue is that $4.1 billion—the amount the president has in hand—is more than sufficient for SDI. This is not a crash program to place weapons in space. It is, in large part, an experimental research and development program that deserves support. Annual stable funding of $3 billion is sufficient and would be indicative of strong political leadership.

What the president will get for his efforts is not a better defense, however, that is measured. The result will be a continuing resolution, a confusing budgetary situation and, eventually, a defense bill aglow with enticements to the electorate.

The White House would not have dreamed of such a step had anyone bothered to read the report of the president's own commission on defense management. Repeated throughout its hundreds of pages is a plea for stability in defense budgeting and management. Only two weeks ago, Commission Chairman David Packard accused Congress of the "criminalization" of the defense budget for petty political purposes. It is clear that Mr. Packard should point his finger at the White House, as well."

By his veto, President Reagan demonstrates a low regard for the electorate. He believes voters are ignorant of the legislative process and therefore are easy to manipulate.

The defense bill was a reasonable and adequate measure that had bipartisan support. It is unfortunate that the president chose it as the centerpiece for his crude political act.●

NATO'S BURDEN: THE EUROPEAN MILITARY IMBALANCE

● Mr. QUAYLE. Mr. President, we hear a good deal about the need for greater burden sharing with our NATO allies. What we don't hear much about, though, is what the burden is that we need to share. In fact, we've spent so much time trying to prove how balanced military forces are in Europe, we seem to have forgotten that NATO's defenses are fundamentally imbalanced and that NATO's burden is to cope with an offensive alliance that outguns and outnumbers it several fold.

This adversary, Mr. President, is the Warsaw Pact and the military threat it poses is serious. As our Supreme Allied Commander in Europe, Gen. John Galvin, makes clear in his most recent assessment, "Comparing Forces—NATO and the Warsaw Pact", NATO is not ahead.

"While various analyses may differ concerning particular aspects of the so-called 'conventional balance'," Galvin notes "it is clear to me as a commander that the current military situation is unfavorable to the West."

"My principal concern is that Soviet conventional military advantages may lead the Kremlin to be more aggressive in its relations with the West and more willing to take risks."

Mr. President, General Galvin's analysis of the military imbalance is quite clear. It details not only the quality and superior number of specific Warsaw Pact forces and military production capabilities, but the advantages the pact enjoys as an offensively oriented land-power poised against a defensive, maritime alliance such as NATO.

These imbalances, Galvin notes, can be addressed. But this, he emphasizes, will require both the U.S. and NATO's European members to move more weapons from its laboratories to the field more rapidly.

Mr. President, to my knowledge, General Galvin's analysis is the only one of its kind. It suggests that we and our allies will have to do more than just share more in the costs of our existing defense efforts. We will have to sustain real growth in our defense investments and field more—not less—new weapons and do so more quickly.

In the hope that wider distribution of this analysis will aid the Senate in its deliberations on these matters, I ask that the full text of General Galvin's article be entered in the RECORD at the conclusion of my remarks.

The article follows:

COMPARING FORCES-NATO AND THE WARSAW PACT

(By Gen. John Galvin, Supreme Allied Commander in Europe)

The number of "peace initiatives" from the Warsaw Pact continues to increase as well as the complaints that NATO is failing to respond. But these initiatives are, so far, merely words. What counts are hard facts such as numbers of tanks, guns, attack helicopters and other offensive equipment, and where and how these are deployed. The difference between the force structures on the two sides is at the root of the resulting imbalance which is the cause of NATO's immediate concerns. As long as the Warsaw Pact remains capable of rapid offensive action NATO must continue to improve its defences while being ready to negotiate fair reductions.

In the wake of the INF Treaty, there has been renewed concern about the conventional military balance in Europe. In order to understand the importance of the balance it is necessary to appreciate the link between military forces and strategy. Since its adoption in 1967, NATO's strategy of flexible response has withstood the test of significant changes in our strategic environment. Changes that have caused us—and our adversaries—to modify our equipment and force structure, while our strategic objectives have remained constant.

FLEXIBLE RESPONSE

For flexible response to remain viable, it must continue to be supported by a balanced triad of strategic nuclear, theater-based nuclear, and conventional forces. In order words, to deter—and deterrence is my overriding objective—NATO must possess a credible capability for effective military response across th entire spectrum of conflict.

NUCLEAR FORCES

Strategic nuclear forces are the ultimate guarantor of our deterrent posture. Over the past decade we have made considerable improvement in these forces, and the ongoing modernization of US and UK strategic nuclear systems is designed to maintain the strength of this leg of the NATO triad.

We must also maintain theater-based nuclear forces sufficient to convince our allies and adversaries alike of our steadfast commitment to oppose aggression. These forces, if deterrence fails, must contribute to a credible direct defense capability if we are to avoid being confronted with a stark choice between conventional defeat and general, all-out nuclear war. For theater-based nuclear forces to be credible, they must present a wide range of options and be broadly based throughout Allied Command Europe in order to make the Soviets uncertain as to the precise nature of NATO's response to aggression and to complicate preemptive strike calculations by our adversary.

The INF Treaty will eliminate the Pershing 2 and Ground Launched Cruise Missiles (GLCMs), but a substantial number of nuclear weapons will remain in the Allied Command Europe area. NATO will still have hundreds of nuclear-capable aircraft based in Europe, as well as approximately 90 Lance short-range ballistic missile launchers, and more than two thousand artillery pieces that can deliver nuclear weapons. Sub-marine launched ballistic missiles of the United States and the United Kingdom will remain available to the Alliance, and we should not fail to consider the contribution to deterrence of the independent nuclear forces of France which, although not part of NATO's integrated military structure, nevertheless complicate Soviet planning considerably. Continuation of the Alliance's nuclear modernization program initiated at Montebello will ensure that these theater-based nuclear systems will continue to make an effective contribution to our flexible response strategy.

CONVENTIONAL FORCES

The INF Treaty raises awareness of the importance of the third leg of the NATO Triad—conventional forces. We must maintain a conventional defense which is strong enough to hold off any aggressive thrust into NATO territory long enough to reinforce our standing forces and take whatever other actions we deem necessary to successfully terminate the conflict. A deficiency in this component of NATO's forces could force NATO to revert to its strategy of an earlier era—using conventional forces as a "tripwire" to initiate immediate and massive use of nuclear weapons. We moved away from this kind of strategy many years ago, and for good reasons.

A serious deficiency in NATO's conventional defense capability also could provide the Soviets with increased incentive to use the threat posed by its military power to intimidate and coerce members of the Alliance. If this were to happen, the Kremlin could achieve its objective of dominating the European members of NATO and severing their relationship to North America without having to risk the destruction of the Soviet homeland in a war.

NATO has never had superiority in conventional forces; instead we have tended to rely heavily on nuclear weapons to offset the Warsaw Pact's conventional advantages. Now that the Soviets have erased the nuclear superiority held by the United States in

the 1950s and 1960s—and currently lead in some dimensions of the strategic balance—it is even more important that NATO maintains a conventional defense capability in order to preserve an overall force posture that will continue to deter aggression.

MEASURING THE CONVENTIONAL BALANCE

In order to know what action needs to be taken to maintain adequate conventional forces, we must have a clear understanding of the relative strengths and weaknesses of the two alliances and a quantitative comparison of military forces is an important part of such a calculation. Nonetheless, a military commander cannot limit his assessment of the balance to such a comparison. An analysis of the NATO-Warsaw Pact military balance must be a measure of the relative capability of military forces resulting from a complex combination of factors that together form military power.

QUANTITATIVE COMPARISONS

Even a quantitative comparison is not simple. One source of complexity is our difficulty in determining exactly what the Warsaw Pact has. While NATO nations are open societies, not so the members of the Warsaw Pact. Thus, it is difficult to calculate with certainty the number of different units the Pact has, the number and type of weapons systems those units have, and the number of personnel assigned to those units.

Other counting problems also contribute to difficulties in making quantitative comparisons. For example, the quantity and quality of equipment among nations on both sides varies—even among different units of the same country. Large amounts of equipment and personnel are not organized into units at all, but contribute to overall combat power as war reserve stocks and mobilizable reserve. Furthermore, there are forces that are organized along military lines and could augment the war effort, yet their mission is not strictly military (such as the more than 200,000 Soviet KGB border troops). Experienced military judgment is needed to sort out what the numbers mean and how they contribute to what matters—combat power.

A few simple comparisons illustrate how even a basic quantitative comparison can vary. For example, if we compare the total number of military personnel on active duty available to each side, we see that the West is outnumbered by more than three million, for an overall ratio of about 2 to 1. This is not a meaningful ratio however. Not only is it extremely difficult to determine personnel strengths with much accuracy, a global total includes U.S. and Soviet troops stationed outside Europe and committed to other theaters. Furthermore, such figures tell us very little about actual military capabilities.

If we consider some of the key weapons that contribute to military power in Europe, we see that in the region from the Atlantic to the Urals, the Warsaw Pact outnumbers NATO approximately 3 to 1 in tanks and artillary, and 2 to 1 in combat aircraft. While these ratios reflect the fact that Warsaw Pact forces clearly outnumber those of NATO and demonstrate that the Soviets have much larger forces than would be needed to defend their homeland, additional elements must be considered when comparing military forces in Europe.

A force comparison, including an examination of how the two sides will employ their forces, is essential to an understanding of the threat posed by the Warsaw Pact. For example, since an attacker has the advantage of choosing the time, the place, and the means of attack, NATO, as a defensive alliance, must be able to respond to a variety of possible scenarios ranging from a surprise attack to a reinforced assault. Therefore we need to look at what forces are available to each side in each of these cases. Table 2 reflects the Warsaw Pact's clear superiority in both in-place and reinforced force levels.

The size of Pact in-place forces is particularly noteworthy since the emphasis of Soviet doctrine is on rapid offensive operations designed to win a conventional war before NATO can take advantage of reinforcements from outside the theater. In such an attack, the Soviets would try to improve their chances for success through deception and surprise in order to reduce NATO's ability to mobilize and prepare its defenses.

The current quantitative comparison is the result of long-term trends that favor the Warsaw Pact. For example, in 1973 the Soviets had an overall advantage of more than 2 to 1 in tanks. Although since that time NATO has increased its tank force by almost 3,000 tanks, the Warsaw Pact tank totals have grown by almost 10,000. Similar increases have occurred in other major weapons systems, such as artillery. In short, although the Soviets have eliminated the nuclear superiority of the West, we have seen no indication that the Soviets are willing to reduce their conventional advantages.

BEYOND THE NUMBERS: COMPARING QUALITY

A reliance solely on quantitative comparisons obviously could be misleading. NATO traditionally has sought to make up for its numerical disadvantages by maintaining an edge in the quality of its forces. Deployment over the last decade of new tanks such as the Leopard 2, M1, and Challenger, aircraft such as the F-15 and Tornado; and other weapons systems such as the Bradley fighting vehicle, Apache attack helicopter, and the multiple launch rocket system have greatly increased the military capability of Allied Command Europe.

Modernization of weapons and equipment is a continuing challenge for NATO, especially in the face of ongoing Soviet improvements. In spite of all the rhetoric we have heard coming from Moscow, Soviet military developments under General Secretary Gorbachev represent a continuation of trends begun in the late 1970s and early 1980s. Perestroika has not resulted in any major changes or redirections in Soviet military force structure. The Soviets have continued to modernize and expand all components of their forces.

They have deployed a number of improved ground force weapons systems in recent years. For example, the latest Soviet tanks rival the best we have: the T-80 has a laser rangefinder, NBC protection, a bigger gun (125mm) than its NATO counterparts, and special armor that seriously degrades the effectiveness of NATO antitank missiles and tank rounds. Although, as Table 3 shows, a large number of Pact tanks are older models, they have produced large numbers of very capable modern tanks as well. Soviet deployment of almost 2,000 T-80s into Eastern Europe, combined with the fielding of reactive armor on several older varieties of Soviet armored fighting vehicles has provided our adversaries a distinct advantage in the critical armor/anti-armor match-up.

The Soviets also have improved the capability of their artillery in the last decade. They have increased the number of self-propelled artillery pieces and multiple rocket launchers in their forces, and latest models of Soviet artillery both outrange equivalent caliber NATO weapons and have a higher rate of fire. The West still retains an advantage in fire control, but the Soviets have made great strides in integrating artillery with maneuver forces to improve the support of rapid, deep offensive operations. The Soviets now have a much more effective potential to combine fires from artillery, attack helicopters, and close air support aircraft in support of a breakthrough attack, allowing them to concentrate combat power while reducing the necessity of crowding maneuver elements in restricted terrain.

While the West still retains some qualitative advantages in the air balance, the Soviets are rapidly catching up. They have fielded MIG-29 and SU-27 fighters with look-down/shoot-down radar and have developed sophisticated missiles for use against low flying aircraft and cruise missiles. In addition, they have improved air command and control by deploying a new airborne early warning aircraft similar to our AWACS and have increased their air-to-ground capability with the deployment of the SU-24 Fencer, an all-weather fighter bomber. NATO's air advantage is further reduced by the fact that the Soviets have built one of the most extensive and integrated air defense systems in the world to protect their ground forces from air attack. Recent improvements include the fielding of the self-propelled anti-aircraft gun M1986, the SS-23/Spider surface-to-surface missile, the SA-12A/Gladiator surface-to-air missile, and the SA-16/Igla shoulder fired surface-to-air missile.

Naval force developments also represent a continuation of modernization efforts under General Secretary Gorbachev. For example, a fourth unit of the *Kiev* class VSTOL carrier commenced sea trials in December 1986, and the lead unit of the *Brezhnev* class aircraft carrier is expected to start sea trials in late 1988. The Soviets are also making new major strides in improving the quietness of their new classes of submarines, eroding a major Western advantage under the sea.

Although the Soviets are closing the quality gap much faster than we would like, I believe that the West still retains an edge in basic technology. Unfortunately that superiority does not contribute directly to a military advantage. Even our leads in military technology often are not translated quickly into fielded capabilities due to long development and acquisition processes and budgetary constraints. In contrast, the Soviets, because their military requirements have priority over commercial interests, are able to move weapons from the laboratory to the field more rapidly. As a result, although NATO has the potential to achieve revolutionary advances in the effectiveness of conventional weapons by pursuing research and development of emerging technologies, in order to benefit, we must make a concerted effort to develop these promising technologies and to field them more expeditiously.

READINESS

Readiness has many dimensions and NATO leads the Pact in a number of them. For example, the training and maintenance of some NATO forces is higher than that of Warsaw Pact units, and we continue to improve. In many cases, NATO pilots fly more and NATO gunners shoot more than their Pact counterparts, making them, in my opinion, better prepared for combat. There is considerable variance in training and overall readiness among elements within

the Alliance, however, creating weaknesses that an attacker could exploit.

Mobilization and reinforcement are important elements of readiness in which NATO is at a disadvantage. Successful NATO defense depends on timely mobilization and rapid deployment in order to gain the advantages that can accrue to the defender. For example, in Northern Norway the terrain is very favorable to the defense, yet NATO has few active forces forward deployed. The bulk of the forces must be mobilized and moved forward—some more than 1,000 kilometers—in order to occupy their assigned defensive positions.

In the Central Region, NATO battalions also must move a considerable distance to occupy forward defense positions. For example, in the critical Northern Army Group sector, the bulk of the Dutch and Belgian corps are not located in Germany and must be deployed from their home territories. Even the units already deployed in the FRG would need time to move to and prepare their general defense positions once a decision was made to mobilize. In contrast, the Warsaw Pact could mobilize relatively quickly. To facilitate their efforts, the Soviets have imposed rigorous mobilization statutes on their allies, even permitting the call-up of Eastern European forces without prior consultation with their governments.

NATO's reliance on mobilization puts a premium on receiving adequate warning—and on responding decisively. While we can expect to have some indications of Soviet mobilization activities prior to any major attack, it is less clear that such warning will be translated into effective response. We had plenty of warning of Soviet mobilization prior to the invasion of Czechoslovakia in 1968, but the West was still caught by surprise when the attack occurred. Even with timely Western mobilization, the Warsaw Pact has important geographic advantages. As shown on the map, the United States must reinforce 6,000 km across the Atlantic and must protect the limited number of sea ports and air bases available in Europe for debarkation of reinforcements. The loss of a relatively small number of ports and air fields would seriously restrict our ability to reinforce in a timely manner. In contrast, Soviet lines of communication are much shorter and run overland, making it easier to organize the defense of forces moving forward. In addition, while shortages of appropriate shipping and aircraft limit NATO reinforcement capability, the capacity of the transportation system through Eastern Europe is considerably more than needed for Soviet reinforcement.

In order to reduce their vulnerability at chokepoints—such as those caused by the difference in rail gauges between the USSR and Eastern Europe—the Soviets have stockpiled ammunition and fuel at forward depots, developed new rail lines, and established a rail ferry in the Baltic. Even the withdrawal of Soviet forces to locations east of the Urals does not eliminate this inherent Soviet advantage. Their forces would still be almost 3,000 km closer to the Central Front than forces withdrawn to the U.S.—and even closer to NATO's northern and southern flanks.

LOGISTICS AND SUSTAINABILITY

Logistics and sustainability are important factors in determining the success of NATO defensive efforts. Here too, there is cause for concern. NATO supply lines often run parallel to the front line, in some cases making them more vulnerable to interdiction. In addition, while the Soviets have improved their stockpiles of ammunition and fuel, NATO has enough of these critical supplies to last only a relatively few days. Although some nations have made considerable strides in improving its stockpiles, not all Alliance members have kept pace. As a result, logistics shortfalls limit to a far shorter time than desirable the length of time that NATO could conduct an effective defense.

The effectiveness of NATO defenses is also degraded by the lack of interoperability of equipment from its various nations. While the Warsaw Pact equipment has a great deal of commonality, NATO has, for example, eight different main battle tanks firing four different kinds of ammunition. Although national desires to maintain independence in the area of weapons development and production are understandable, in an era of increasingly scarce resources we can no longer afford such inefficiencies.

Although NATO's economic power exceeds that of the Warsaw Pact by a considerable margin, the military-industrial capacity of the entire North Atlantic Alliance is smaller than that of the Soviet Union alone. A comparison of arms production capabilities in Table 4 demonstrates that the USSR has outproduced the West in most major categories of military equipment over the last decade. Thus, even though Warsaw Pact economies cannot match NATO in GNP, they could surpass NATO's ability to support a military conflict unless the West has considerable time to mobilize its superior economic base for war production.

MILITARY DOCTRINE

Any force comparison is incomplete without considering what the forces are trying to accomplish. The strategic doctrine of the two alliances are in sharp contrast. NATO's strategy is entirely and exclusively defensive, rejecting the advantages of initiative that benefit the attacker. NATO military forces do not contemplate attacking the Warsaw Pact, and there are no NATO doctrines or plans or exercises that prepare for such operation.

I believe the same cannot be said of the Warsaw Pact. Every aspect of Soviet military posture is designed to maximize the potential for rapid offensive operations over long distances. We must assess Warsaw Pact capabilities in terms of this offensive orientation.

ASSESSING THE CONVENTIONAL BALANCE

Over the past eight months, SHAPE has reviewed over 150 studies and other documents concerning the comparison of conventional forces in Europe, and at my headquarters we are engaged in a thorough examination of many aspects of the forces that face each other on the Continent.

While various analyses may differ concerning particular aspects of the so-called "conventional balance", it is clear to me as a commander that the current military situation in Europe is unfavorable to the West. While the imbalance of forces does not mean that deterrence is in imminent danger of collapse, should the situation further deteriorate, our ability to carry out the strategy of flexible response will be seriously degraded.

My principal concern is that Soviet conventional military advantages may lead the Kermlin to be more aggressive in its relations with the West and more willing to take risks. Beyond that, should the military balance erode further, NATO's members might become susceptible to coercion or intimidation. If this were to happen, Moscow would be able to circumscribe the freedoms Western Europe has spent centuries developing, without having to fire a shot.

REDRESSING THE IMBALANCE

We do not need to match the Warsaw Pact man for man, tank for tank, or aircraft for aircraft. What we do need is a conventional capability strong enough to frustrate aggression and increase the time before nuclear escalation would have to occur. Such a capability would preclude hasty decisions to use nuclear weapons and enhance NATO's strategy of flexible response. Deterrence would be more credible because Soviet planners could not be sure of gaining their objectives so swiftly that they could reduce the risk of nuclear destruction. Robust conventional capabilities would also demonstrate the collective will of Alliance members to make the sacrifices necessary to ensure Western security, thereby adding to the credibility of NATO's overall deterrent posture. Finally, strong conventional forces would bolster the self-confidence of NATO nations and ensure that the Soviet Union would remain unable to intimidate or coerce Western Europe in order to obtain political, economic, or military concessions.

If we are to improve our conventional posture in an era of increasingly tight resources we must use those resources wisely. We have made important strides in doing so by rationalizing defense requirements. Our Conceptual Military Framework provides an integrated set of long term requirements and priorities to assist national research and development efforts. The Secretary General's Conventional Defense Improvements Initiative identifies key conventional force improvements that provide a high return on investment. NATO Force Goals specify specific near term Alliance security needs based on a military assessment of key requirements. What remains is for nations to face up to the tough resource decisions needed to implement these programs, and to maintain a strong commitment to Alliance security.

By combining a clear demonstration of will to provide for our security with a willingness to seek negotiated solutions to security problems, I am convinced we can induce the Soviets to agree to arms reductions that enhance the security of both sides. It was NATO's determination to deploy Pershing II and GCLM in the face of intense Soviet pressure that caused the Soviets to reopen arms reduction negotiations and to agree to the elimination of SS-20s. Conventional arms control holds promise if General Secretary Gorbachev means what he has said about Soviet willingness to accept deep asymmetrical cuts in conventional forces in order to reach equal levels of NATO and Warsaw Pact forces. But we should never forget that security is our goal. We may be able to obtain that security through a concept that takes into account the asymmetries of the two alliances. We should be wary of proposals that do not achieve that objective. Small reductions, for example, would be largely symbolic and would have little effect on the military imbalance in Europe. Their pursuit would merely divert our attention from what we should seek: equal ceilings in the weapon systems that cause us the most concern. Even with large reductions we must take into account the differences between NATO and Warsaw Pact military doctrines, and capabilities such as weapons quality, readiness, and reinforcement, or we would have little effect in terms of achieving improved stability in Europe.

I recognize that conventional arms control will entail a long and difficult effort. But our success in the past decade in INF shows that a combination of determination and negotiation can pay off. An agreement that achieves conventional stability between NATO and the Warsaw Pact would be a major step forward in achieving greater security for the West.

NATO nations have made great strides in improving conventional defense capabilities over the past several years. While we have not accomplished all we seek to do, we have come a long way in modernizing this vital leg of the NATO Triad. Unfortunately, defense is a dynamic equation that includes our adversaries, and they have been working hard to undermine our efforts. By staying the course on conventional defense improvements, by improving arms cooperation so that we get the most for our money, and by pursuing effective arms control agreements, we shall continue to preserve NATO's integrity and security—and will thus preserve peace with freedom in the West.●

CONCEPT PAPER UNIVERSITY OF ILLINOIS

● Mr. SIMON. Mr. President, I rise today to congratulate the University of Illinois on its successful bid to develop the Concept Paper for the 1991 White House Conference on Aging. Recognizing the importance of this conference, the staff of the Gerontology Center, with the support of University President Stanley Ikenberry, submitted the low bid of $1.

In 1986, the number of individuals over the age of 55 was approximately 55 million. By the year 2040, this number is estimated to be over 100 million. In order to serve the needs of this growing sector of our population, it is vital that we begin to plan now. The White House Conference on Aging will bring together Government officials from Federal, State, and local levels as well as private organizations and foundations which work to promote the needs of the elderly. This conference will make recommendations for changes in existing policy and will lay the ground work for the development of a comprehensive plan to address the needs of older Americans.

A great deal of planning and organization is required to assure that this conference can achieve its important goals. With its extraordinary bid of $1, the University of Illinois has enthusiastically demonstrated its desire to play a vital role in the organization of this conference. The university has committed $25,000 of its own funds to the conference planning and is presently working with various foundations and private organizations to raise an additional $350,000. Once these funds have been raised, the university, in the spirit of the conference, will begin working with officials from both the public and private sector to develop a theme to serve as the focus for the conference.

I commend President Ikenberry and the staff of the Gerontology Center of the University of Illinois for taking the initiative on this important issue and am prepared to support their efforts in any way that I can. The University of Illinois has long been recognized as one of the finest universities in our Nation. I am confident that their work will produce a successful conference and ultimately serve to enhance our Nation's programs for older Americans.

TITLE AMENDMENT—S. 2350

Mr. BYRD. Mr. President, I ask unanimous consent that the title of S. 2350, a bill to clarify the investigatory powers of the Senate, be amended with the text of the amendment already at the desk.

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

The amendment is as follows:

Amend the title so as to read: "To clarify the investigatory powers of the United States Congress.".

ACTION ON ARTICLES OF IMPEACHMENT

Mr. BYRD. I ask unanimous consent, notwithstanding provisions of rule III of the Rules of Procedures and Practices of the Senate when sitting on an impeachment trial, that the Senate not proceed to consideration of the articles of impeachment presented on Tuesday, August 9, 1988, until a time to be fixed by the Senate.

Mr. STEVENS. There is no objection.

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

PENNSYLVANIA AVENUE DEVELOPMENT PLAN

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4754, just received from the House.

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

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 4754) to amend the Pennsylvania Avenue Development Corporation Act of 1972, to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes.

The Senate proceeded to consider the bill.

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

The bill (H.R. 4754) was ordered to a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—S. 2318

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 878, S. 2318, be indefinitely postponed.

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

GEOTHERMAL STEAM ACT AMENDMENTS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1889.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be known as the "Geothermal Steam Act Amendments of 1988".

SEC. 2. DEFINITION.

Section 6(d) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(d)) is amended to read as follows:

"(d) For purposes of this section, the term 'produced or utilized in commercial quantities' means the completion of a well producing geothermal steam in commercial quantities. Such term shall also include the completion of a well capable of producing geothermal steam in commercial quantities so long as the Secretary determines that diligent efforts are being made toward the utilization of the geothermal steam.".

SEC. 3. LEASE EXTENSIONS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding the following new subsections:

"(g)(1) Any geothermal lease issued pursuant to this Act for land from which, or under an approved cooperative or unit plan of development or operation, geothermal steam has not been produced or utilized in commercial quantities by the end of its primary term, or by the end of any extension provided by subsection (c), may be extended for successive 5-year periods, but totaling not more than 10 years, if the Secretary determines that the lessee has met the bona fide effort requirement of subsection (h), and either of the following:

"(A) The payment in lieu of commercial quantities production requirement of subsection (i).

"(B) The significant expenditure requirement of subsection (j).

"(2) A lease extended pursuant to paragraph (1) shall continue so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional 25 years if such lease was also the subject of an extension under subsection (c) or an addi-

tional 30 years if such lease is only extended pursuant to paragraph (1).

"(h) To meet the bona fide effort requirement referred to in subsection (g)(1) the lessee must submit a report to the Secretary demonstrating bona fide efforts (as determined by the Secretary) to produce or utilize geothermal steam in commercial quantities from such lease, given the then current economic conditions.

"(i)(1) To meet the payments in lieu of commercial quantities production requirement referred to in subsection (g)(1)(A) the lessee must agree to the modification of the terms and conditions of the lease to require annual payments to the Secretary in accordance with this subsection.

"(2) Payments under this subsection shall commence with the first year of the extension. Payments shall be equal to the following:

"(A) In each of the first through the fifth payment years, at least $3.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth payment years, at least $6.00 per acre or fraction thereof, of lands under lease.

"(3) Failure to make the payments required by this subsection shall subject the lease to cancellation.

"(4) No payments made pursuant to this subsection shall be required after the earlier of the following:

"(A) The date of termination of the lease.

"(B) The date of relinquishment of the lease.

"(C) The date geothermal steam is produced or utilized in commercial quantities from the lease.

"(5) No payments made pursuant to this subsection shall be used to reduce rentals or future production royalties.

"(j)(1) To meet the significant expenditure requirement referred to in subsection (g)(1)(B) the lessee must demonstrate to the Secretary on an annual basis that a significant expenditure of funds is being made on the lease. Only expenditures made to conduct actual drilling operations on the lease, such as for exploratory and development wells, shall qualify as meeting the requirement of this subsection. Expenditures made relating to any types of surveys, studies and the procurement or interpretation of data shall not qualify as significant expenditures under this subsection. Expenditures shall be equal to the following:

"(A) In each of the first through the fifth years, at least $15.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth years, at least $18.00 per acre or fraction thereof, of lands under lease.

"(2) Failure to make the expenditures required by this subsection shall subject the lease to cancellation.

"(3) No expenditures made pursuant to this subsection shall be required after the date geothermal steam is produced or utilized in commercial quantities from the lease.

"(4) Expenditures made pursuant to this subsection shall be in lieu of any minimum per acre diligent exploration expenditure requirement in effect for the lease at the end of its primary term, or at the end of any extension provided by subsection (c), as the case may be.".

SEC. 4. REVIEW OF COOPERATIVE OR UNIT PLAN OF DEVELOPMENT.

Section 18 of the Geothermal Steam Act of 1970 (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"Five years after the approval of any cooperative or unit plan of development or operation, and every 5 years thereafter, the Secretary shall review each such plan and may, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan. In the case of a cooperative or unit plan approved before the enactment of the Geothermal Steam Act Amendments of 1988, the Secretary shall complete such review and elimination within 5 years after the enactment of such Act. Such elimination shall be based on scientific evidence and shall occur only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated may be eligible for an extension under subsections (c) or (g) of section 6, as the case may be, if it separately meets the requirements for such an extension.".

SEC. 5. CONFORMING AMENDMENTS.

(a) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. All moneys received from the sales, bonuses, royalties and rentals under the provisions of this Act, including the payments referred to in section 6(i), shall be disposed of in the same manner as such moneys received pursuant to section 35 of the Mineral Leasing Act or pursuant to section 6 of the Mineral Leasing Act for Acquired Lands, as the case may be.".

(b) Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking "notwithstanding the provisions of section 20 thereof,".

(c) Section 43 of the Mineral Leasing Act (30 U.S.C. 226-3) is amended as follows:

(1) In subsection (a) strike out "oil and gas", and after "this Act" insert "or under the Geothermal Steam Act of 1970".

(2) In subsection (b) after "oil and gas" insert ", coal, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources".

SEC. 6. SIGNIFICANT THERMAL FEATURES.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following) is amended by adding the following new section:

"SEC. 28. (a)(1) The Secretary shall maintain a list of units of the National Park System with significant thermal features. Such list shall include the following units:

"(A) Mount Rainier National Park.

"(B) Crater Lake National Park.

"(C) Yellowstone National Park.

"(D) John D. Rockefeller, Jr. Memorial Parkway.

"(E) Bering Land Bridge National Preserve.

"(F) Gates of the Arctic National Park and Preserve.

"(G) Katmai National Park.

"(H) Aniakchak National Monument and Preserve.

"(I) Wrangell-St. Elias National Park and Preserve.

"(J) Lake Clark National Park and Preserve.

"(K) Hot Springs National Park.

"(L) Big Bend National Park (including the Rio Grande National Wild and Scenic River).

"(M) Lassen Volcanic National Park.

"(N) Hawaii Volcanoes National Park.

"(O) Haleakala National Park.

"(P) Lake Mean National Recreation Area.

"(2) The Secretary may add other significant thermal features list, after notice and public comment, significant thermal features within units of the National Park System not specified in paragraph (1).

"(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

"(A) Size, extent and uniqueness.

"(B) Scientific and geologic significance.

"(C) The extent to which such features remain in a natural, undisturbed condition.

"(D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

"(b)(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

"(c)(1) Upon receipt of an application for a lease under this Act, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a signifcant adverse effect on significant thermal features within units of the National Park System. Such determination shall be subject to notice and public comment.

"(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on significant thermal features within units of the National Park System, the Secretary shall not issue the lease.

"(3) The Secretary shall withdraw from leasing under this Act those lands, or portions thereof, which are the subject of a determination made pursuant to paragraph (2).

"(d) With respect to leases or drilling permits issued, extended, renewed or modified under this Act, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System when the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to:

"(1) Requiring the lessee to reinject geothermal fluids into the rock formations from which they originate.

"(2) Requiring the lessee to report annually to the Secretary on activities taken on the lease.

"(3) Requiring the lessee to continuously monitor geothermal steam and associated geothermal resources production and injection wells.

"(4) Requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on significant thermal features within units of the National Park System until such time as the significant ad-

verse effect is eliminated. The stipulation shall provide for the relinquishment of the lease to the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest lands or other lands administered by such Secretary that are available for leasing under this Act.

"(f) For purposes of this section, the term 'significant thermal features within units of the National Park System' means any such thermal feature within any unit of the National Park System listed in subsection (a)(1) or added to the significant thermal features list pursuant to subsection (a)(2).

"(g) The Secretary shall not issue a lease under this Act for land within the Island Park Geothermal Area, as designated by the map in the 'Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980, p. XI).

"(h) On March 1, 1989, or 6 months after the date of enactment of this section (whichever is later), the Secretary shall submit to Congress a report on the presence or absence of significant thermal features within Crater Lake National Park together with a recommendation as to whether Crater Lake National Park should be retained on the list of National Park System units in subsection (a)(1). The Secretary's report shall include an analysis by the United States Geological Survey of available information regarding the presence or absence of significant thermal features within Crater Lake National Park.".

SEC. 7. RELATIONSHIP WITH PRIOR LAW.

To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of section 101(h) of Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266), this Act shall be deemed to supersede the provisions of such section.

SEC. 8. CORWIN SPRINGS.

(a) The United States Geological Survey, in cooperation with the National Park Service, shall conduct a study on the impact of present and potential geothermal and associated geothermal resources development in the vicinity of Yellowstone National Park on the thermal features within the park. The area to be studied shall be the lands within the Corwin Springs Known Geothermal Resources Area as designated in the July 22, 1975, Federal Register (Fed. Reg. vol. 40, No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or other facilities related to geothermal and associated geothermal resources production shall be prohibited in the Corwin Springs Known Geothermal Resources Area until 180 days after the receipt by Congress of the study provided for in subsection (a).

(c) The Secretary may not issue, extend, renew or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following) in the Corwin Springs Known Geothermal Resources Area until 180 days after the receipt by Congress of the study provided for in subsection (a). Nothing in this section shall be construed to require leasing activities subsequent to the 180 day period after study submittal.

(d) If the Secretary determines that geothermal and associated geothermal resources exploration, development or utilization within the area studied pursuant to subsection (a) may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the study recommendations regarding the acquisition of lands and geothermal rights necessary to protect such thermal features.

Amend the title so as to read: "An Act to amend the Geothermal Steam Act of 1970 with respect to requirements relating to leases, and for other purposes.".

AMENDMENT NO. 2830

Mr. BYRD. Mr. President, I move that the Senate concur in the amendments by the House with the following substitute amendment, which I send to the desk on behalf of Mr. JOHNSTON.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. JOHNSTON, proposes an amendment numbered 2830.

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:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be known as the "Geothermal Steam Act Amendments of 1988".

SEC. 2. DEFINITIONS.

(a) Section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001) is amended by adding the following at the end of the section:

"(f) 'Significant thermal features within units of the National Park System' shall include, but not be limited to, the following:

"(1) Thermal features within units of the National Park System listed in Section 28(a)(1) and designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

"(2) Crater Lake National Park.

"(3) Thermal features within Big Bend National Park and Lake Mead National Recreation Area proposed as significant in the Federal Register Notice of February 13, 1987 (Vol. 52, No. 30 Fed. Reg. 4700).

"(4) Thermal features within units of the National Park System added to the significant thermal features list pursuant to Section 28(a)(2) of this Act.

(b) Section 6(d) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(d)) is amended to read as follows:

"(d) Except as otherwise provided for in this section, for purposes of this section the term 'produced or utilized in commercial quantities' means the completion of a well producing geothermal steam in commercial quantities. Such term shall also include the completion of a well capable of producing geothermal steam in commercial quantities so long as the Secretary determines that diligent efforts are being made toward the utilization of the geothermal steam.".

SEC. 3. LEASE EXTENSIONS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding the following new subsections:

"(g)(1) Any geothermal lease issued pursuant to this Act for land on which, or for which under an approved cooperative or unit plan of development or operation, geothermal steam has not been produced or utilized in commercial quantities by the end of its primary term, or by the end of any extension provided by subsection (c), may be extended for successive 5-year periods, but totaling not more than 10 years, if the Secretary determines that the lessee has met the bona fide effort requirement of subsection (h), and either of the following:

"(A) The payment in lieu of commercial quantities production requirement of subsection (i).

"(B) The significant expenditure requirement of subsection (j).

"(2) A lease extended pursuant to paragraph (1) shall continue so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional 25 years, for a total of 50 years, if such lease was also the subject of an extension under subsection (c) or an additional 30 years, for a total of 50 years, if such lease is only extended pursuant to paragraph (1).

"(3) If, at the end of either 50-year term referred to in paragraph 2, geothermal steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second term in accordance with such terms and conditions as the Secretary deems appropriate. For purposes of this paragraph only, the term 'produced or utilized in commercial quantities' means a bona fide sale or the use of geothermal steam by the lessee to generate electricity in marketable quantities.

"(h) To meet the bona fide effort requirement referred to in subsection (g)(1) the lessee must submit a report to the Secretary demonstrating bona fide efforts (as determined by the Secretary) to produce or utilize geothermal steam in commercial quantities for such lease, given the then current economic conditions.

"(i)(1) To meet the payments in lieu of commercial quantities production requirement referred to in subsection (g)(1)(A) the lessee must agree to the modification of the terms and conditions of the lease to require annual payments to the Secretary in accordance with this subsection.

"(2) Payments under this subsection shall commence with the first year of the extension. Payments shall be equal to the following:

"(A) In each of the first through the fifth payment years, at least $3.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth payment years, at least $6.00 per acre or fraction thereof, of lands under lease.

"(3) Failure to make the payments required by this subsection shall subject the lease to cancellation.

"(4) No payments made pursuant to this subsection shall be required after the earlier of the following:

"(A) The date of termination of the lease.

"(B) The date of relinquishment of the lease.

"(C) The date geothermal steam is produced or utilized in commercial quantities from the lease.

"(5) No payments made pursuant to this subsection shall be used to reduce rentals or future production royalties.

"(j)(1) To meet the significant expenditure requirement referred to in subsection (g)(1)(B) the lessee must demonstrate to the Secretary on an annual basis during an extension that a significant expenditures of funds is being made on the lease.

"(2) The following expenditures made by the lessee shall qualify as meeting the requirement of this subsection:

"(A) Expenditures to conduct actual drilling operations on the lease, such as for exploratory or development wells, or geochemical or geophysical surveys for exploratory or development wells.

"(B) Expenditures for road or generating facilities construction on the lease.

"(C) Architectural or engineering services procured for the design of generating facilities to be located on the lease.

"(D) Environmental studies required by State or Federal law.

"(3) Expenditures shall be equal to the following:

"(A) In each of the first through the fifth years, at least $15.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth years, at least $18.00 per acre or fraction thereof, of lands under lease.

"(4) Failure to make the expenditures required by this subsection shall subject the lease to cancellation.

"(5) No expenditures made pursuant to this subsection shall be required after the date geothermal steam is produced or utilized in commercial quantities from the lease.

"(6) Expenditures made pursuant to this subsection shall be in lieu of any minimum per acre diligent exploration expenditure requirement in effect for the lease at the end of its primary term, or at the end of any extension provided by subsection (c), as the case may be.".

SEC. 4. REVIEW OF COOPERATIVE OR UNIT PLAN OF DEVELOPMENT.

Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"No more than five years after approval of any cooperative or unit plan of development or operation, and at least every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan. In the case of a cooperative or unit plan approved before the enactment of the Geothermal Steam Act Amendments of 1988, the Secretary shall complete such review and elimination within 5 years after the enactment of such Act. Such elimination shall be based on scientific evidence, and shall occur only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated shall be eligible for an extension under subsection (c) or (g) of section 6 if it separately meets the requirements for such an extension.".

SEC. 5. CONFORMING AMENDMENTS.

(a) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. All moneys received from the sales, bonuses, royalties and rentals under the provisions of this Act, including the payments referred to in section 6(i), shall be disposed of in the same manner as such moneys received pursuant to section 35 of the Mineral Leasing Act or pursuant to section 6 of the Mineral Leasing Act for Acquired Lands, as the case may be.".

(b) Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking "notwithstanding the provisions of section 20 thereof,".

(c) Section 43 of the Mineral Leasing Act (30 U.S.C. 226-3) is amended as follows:

(1) In subsection (a) strike out "oil and gas", and after "this Act" insert "or under the Geothermal Steam Act of 1970".

(2) In subsection (b) after "oil and gas" insert ", coal, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources".

(d) The Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) is amended by adding the following new section:

"SEC. 29. The Secretary shall not issue any lease under this Act on those lands subject to the prohibition provided under section 43 of the Mineral Leasing Act.".

SEC. 6. SIGNIFICANT THERMAL FEATURES.

The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) is amended by adding the following new section 28:

"SEC. 28. (a)(1) The Secretary shall maintain a list of significant thermal features, as defined in section 2(f), within units of the National Park System, including but not limited to the following units:

"(A) Mount Rainier National Park.

"(B) Crater Lake National Park.

"(C) Yellowstone National Park.

"(D) John D. Rockefeller, Jr. Memorial Parkway.

"(E) Bering Land Bridge National Preserve.

"(F) Gates of the Arctic National Park and Preserve.

"(G) Katmai National Park.

"(H) Aniakchak National Monument and Preserve.

"(I) Wrangell-St. Elias National Park and Preserve.

"(J) Lake Clark National Park and Preserve.

"(K) Hot Springs National Park.

"(L) Big Bend National Park (including that portion of the Rio Grande National Wild Scenic River within the boundaries of Big Bend National Park).

"(M) Lassen Volcanic National Park.

"(N) Hawaii Volcanoes National Park.

"(O) Haleakala National Park.

"(P) Lake Mead National Recreation Area.

"(2) The Secretary may, after notice and public comment, add significant thermal features within units of the National Park System to the significant thermal features list.

"(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

"(A) Size, extent and uniqueness.

"(B) Scientific and geologic significance.

"(C) The extent to which such features remain in a natural, undisturbed condition.

"(D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

"(b)(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

"(c)(1) Upon receipt of an application for a lease under this Act, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the lands subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System. Such determination shall be subject to notice and public comment.

"(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System, the Secretary shall not issue such lease.

"(3) The Secretary shall not issue any lease under this Act for those lands, or portions thereof, which are the subject of a determination made pursuant to subparagraph (2).

"(d) With respect to all leases or drilling permits issued, extended, renewed or modified under this Act, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System where the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to:

"(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

"(2) requiring the lessee to report annually to the Secretary on activities taken on the lease;

"(3) requiring the lessee to continuously monitor geothermal steam and associated geothermal resources production and injection wells; and

"(4) requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on a significant thermal feature within a unit of the National Park System until such time as the significant adverse effect is eliminated. The stipulation shall provide for the termination of the lease by the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest lands or other lands administered by the Department of Agriculture available for leasing under this Act, including public, withdrawn, and acquired lands.

"(f) Nothing in this Act shall affect the ban on leasing under this Act with respect to the Island Park Geothermal Area, as designated by the map in the Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980, p. XI), and provided for in Public Law 98-473.

SEC. 7. CRATER LAKE NATIONAL PARK REPORT.

On March 1, 1989, or 6 months after the date of enactment of this section (whichever is later), the Secretary shall submit to Congress a report on the presence or absence of

significant thermal features within Crater Lake National Park.

SEC. 8. CORWIN SPRINGS KGRA STUDY.

(a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study on the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within the park. The area to be studied shall be the lands within the Corwin Spring Known Geothermal Resource Area as designated in the July 22, 1975, Federal Register (Fed. Reg. Vol. 40, No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Springs Known Geothermal Resources Area until 180 days after the receipt by Congress of the study provided for in subsection (a) of this section.

(c) The Secretary may not issue, extend, renew or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) in the Corwin Spring Known Geothermal Resource Area until 180 days after the receipt by Congress of the study provided for in section 8(a) of this Act. This section shall not be construed as requiring such leasing activities subsequent to the 180 days after study submittal.

(d) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsection (a) of this section may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the study required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

SEC. 9. CONSISTENCY PROVISION.

To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of Title I of Section 101(h) of Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266), this Act shall be deemed to supersede the provisions of such section.

Mr. JOHNSTON. Mr. President, I am pleased to offer an amendment in the nature of a substitute to S. 1889, the Geothermal Steam Act Amendments of 1988, as passed by the House of Representatives. I believe the amendment resolves all the remaining issues of this bill, and I urge its adoption.

The amendment to S. 1889 provides for two 5-year extensions of the primary term of a geothermal lease if geothermal steam has not been produced or utilized in commercial quantities by the end of the primary term, provided that the lessee meets certain conditions. The lease can be extended for 5 years if the lessee submits a report to the Secretary of the Interior demonstrating a bona fide effort to produce in commercial quantities, and either: First, makes payments in lieu of commercial quantities production at an amount per acre for the lease to be extended; second, or has made significant expenditures of an amount per acre on the lease to be extended.

The amendment also provides protection for significant thermal features within units of the National Park System from the effects of geothermal development. Incorporated in the language is a list of significant thermal features within the Park System, including Yellowstone National Park and Crater Lake National Park. Under the legislation, for each of these two parks, the entire park is the listed significant feature.

Due to concern regarding existing geothermal development outside of Yellowstone National Park. S. 1889, as amended, provides for a study of the impact of present and potential geothermal development within the Corwin Springs known geothermal resource area on the thermal features within the park. Any production from existing geothermal wells, or any development of new geothermal wells within this area is prohibited until 180 days after the study is received in Congress. The legislation prohibits production from any existing wells, and the drilling of any new wells. This language is not intended to prohibit the use of the water as it flows naturally from the ground from any springs within the study area.

Section 7 of the amendment provides for a report on the presence or absence of significant thermal features within Crater Lake National Park. The purpose of the report is to assist the National Park Service in the further protection of Crater Lake National Park.

Mr. MELCHER. Mr. President, I introduced S. 1889, the Geothermal Steam Act Amendments of 1988, and I fully support the amendment in the nature of a substitute to S. 1889, as amended by the House.

S. 1889 provides for the extension of Federal geothermal leases if the lessee meets certain criteria. The legislation also contains park protection provisions, including language to ensure that the world-renowned thermal features of Yellowstone National Park are protected from any adverse impact from geothermal development.

The legislation requires a study by the U.S. Geological Survey and the National Park Service on the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within the park. During the study, which is limited to the Corwin Springs known geothermal resource area, any production from existing geothermal wells, or any development of new geothermal wells, is prohibited in the study area, and no drilling is to be conducted in conjunction with the study. The prohibition does not extend to the use of the natural flow of water from any springs. The study is to include recommendations by the Secretary of the Interior regarding the acquisition of geothermal rights necessary to protect the park thermal resources if geothermal development with the study area may adversely affect these resources and features.

I am anxious to begin this important study, and to determine if there is any impact on Yellowstone National Park.

Mr. HECHT. Mr. President, I have been working on legislation to reform geothermal leasing on public lands for four years. Now, finally, we are about to pass a bill on this subject which will shortly be on its way to the President for signature.

I am very pleased to have been a primary proponent of geothermal energy here in the Senate. Geothermal energy is clean, it is renewable, it can be added to the rate base in fairly small increments so as to avoid major boosts in electric rates for consumers, and it may be one of the long-term solutions to all of our concerns about the Greenhouse Effect.

The legislation before the Senate also takes some significant and entirely appropriate steps to protect significant thermal features inside the National Park System. No one wants to see commercial development threaten Old Faithful, and, with a few simple protections in public law, we need never worry about Old Faithful, or similar park features, ever being damaged by geothermal leasing. This bill provides those protections.

Mr. President, I want to thank Senator MELCHER, the chairman of my Mineral Resources Development and Production Subcommittee, for his cooperation and leadership on this legislation. I also want to thank Senator MATSUNAGA, who was instrumental in generating bipartisan support for geothermal leasing reform legislation.

On the House side, I would like to thank Congressman MATSUI for his efforts on behalf of geothermal leasing reform. His introduction of H.R. 2794, the companion measure to my bill, S. 1006, was instrumental in securing House cooperation with this legislation.

I would also like to thank the staff of the Senate Energy Committee, for their good work and assistance, including Mike Harvey, Patty Beneke, Patty Kennedy, Gary Ellsworth, and most especially, Lisa Vehmas, whose negotiations with the House would provide any diplomat with an excellent case study in shuttle diplomacy.

Mr. President, I am very pleased that the Congress is about to pass this worthwhile and necessary legislation. The consumers of America will be the beneficiaries of the strong geothermal industry that follows from this legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT

Mr. BYRD. Mr. President, I ask unamimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 775.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1081) to establish a coordinated National Nutrition Monitoring and Related Research Program, and so forth, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Govermental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Nutrition Monitoring and Related Research Act of 1988".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) make more effective use of Federal and State expenditures for nutrition monitoring, and enhance the performance and benefits of current Federal nutrition monitoring and related research activities;

(2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program, and thereby provide a scientific basis for the maintenance and improvement of the nutritional status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutritive content) of the United States food supply;

(3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess, on a continuing basis, the dietary and nutritional status of the people of the United States and the trends with respect to such status, the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and the relevant policy implications;

(4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring;

(5) establish a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities;

(6) establish mechanisms for addressing the nutrition monitoring needs of Federal, State, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and

(7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "nutrition monitoring and related research" means the set of activities necessary to provide timely information about the role and status of factors that bear on the contribution that nutrition makes to the health of the people of the United States, including—

(A) dietary, nutritional, and health status measurements;

(B) food consumption measurements;

(C) food composition measurements and nutrient data banks;

(D) dietary knowledge and attitude measurements; and

(E) food supply and demand determinations;

(2) the term "coordinated program" means the National Nutrition Monitoring and Related Research Program established by section 101(a);

(3) the terms "Interagency Board for Nutrition Monitoring and Related Research" and "Board" mean the Federal coordinating body established by section 101(c);

(4) the term "comprehensive plan" means the comprehensive plan prepared under section 103;

(5) the term "Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System" means the plan of that title submitted to Congress in September 1981 by the Department of Agriculture and the Department of Health and Human Services, under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178);

(6) the terms "National Nutrition Monitoring Advisory Council" and "Council" mean the advisory body established under section 201;

(7) the term "Secretaries" means the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly;

(8) the term "local government" means a local general unit of government or local educational unit; and

(9) the term "nutritional quality" means—

(A) the appropriate levels of individual nutrients in the diet;

(B) the appropriate levels between nutrients in the diet;

(C) the bio-availability of nutrients such as absorption, digestion, and utilization; and

(D) the nutritional importance of non-nutrient substances such as fiber, phytate, and such substances that are naturally found in the food supply.

TITLE I—NUTRITION MONITORING AND RELATED RESEARCH

ESTABLISHMENT OF THE COORDINATED PROGRAM

SEC. 101. (a) There is established a ten-year coordinated program, to be known as the National Nutrition Monitoring and Related Research Program, to carry out the purposes of this Act.

(b) The Secretaries shall be responsible for the implementation of the coordinated program.

(c) To assist in implementing the coordinated program, there is established an Interagency Board for Nutrition Monitoring and Related Research, of which an Assistant Secretary in the Department of Agriculture (designated by the Secretary of Agriculture) and an Assistant Secretary in the Department of Health and Human Services (designated by the Secretary of Health and Human Services) shall be joint chairpersons. The remaining membership of the Board shall consist of additional representatives of Federal agencies, as determined appropriate by the joint chairpersons of the Board. The Board shall meet no less often than once every three months for the two-year period following the date of the enactment of this Act, and when appropriate thereafter.

(d) To establish a central focus and coordinator for the coordinated program, the Secretaries may appoint an Administrator of Nutrition Monitoring and Related Research. The Administrator shall—

(1) be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of the established record of expertise and distinguished service of such individual; and

(2) administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

FUNCTIONS OF THE SECRETARIES

SEC. 102. (a) The Secretaries, with the advice of the Board, shall—

(1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program;

(2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program;

(3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under section 103;

(4) include in the coordinated program and the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct, by Federal and non-Federal entities on an appropriate matching funds basis, of research (including research described in section 103(a)(3)) that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status;

(5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the provisions of this Act, to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services (including activities described in sections 103(a)(5) and 103(b)(9));

(6) include in the coordinated program each fiscal year an annual interagency budget for each fiscal year of the program;

(7) foster productive interaction, with respect to nutrition monitoring and related research, among Federal efforts, State and local governments, the private sector, scientific communities, health professionals, and the public;

(8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish every two years, or

more frequently if appropriate, a report, on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutritive content) of the national food supply; and

(9)(A) foster cost recovery management techniques in the coordinated program; and

(B) impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no such charge or fee imposed on an educational or other nonprofit organization shall exceed the actual costs incurred by the coordinated program in providing the publications involved).

(b) The Secretaries shall submit to the President for transmittal to Congress by January 15 of each alternate year, beginning with January 15 following the date of the enactment of this Act, a biannual report that shall—

(1) evaluate the progress of the coordinated program;

(2) summarize the results of such coordinated program components as are developed under section 103;

(3) evaluate the relevant policy implications of the analytical findings in the scientific report required under section 102(a)(8), and future nutrition monitoring and related research priorities;

(4) include in full the annual reports of the Council provided for in section 202; and

(5) include an executive summary of the report most recently published by the scientific body, as provided for in subsection (a)(8).

DEVELOPMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

SEC. 103. (a) The Secretaries, with the advice of the Board, shall prepare and implement a comprehensive plan for the coordinated program which shall be designed to—

(1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States, and the trends with respect to such status (dealing with such status and trends separately in the case of preschool and school-age children, pregnant and lactating women, elderly individuals, low income populations, blacks, Hispanics, and other groups, at the discretion of the Secretaries), the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and relevant policy implications of findings with respect to such status, trends, and research;

(2) sample representative subsets of identifiable low income populations, and assess, analyze, and report, on a continuous basis, food and household expenditures, participation in food assistance programs, kinds of foods obtained through such programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet;

(3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance;

(4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources as required;

(5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and

(6) focus the activities of the Federal agencies.

(b) The comprehensive plan, at a minimum, shall include components to—

(1) maintain and coordinate the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);

(2) provide, by 1990, for the continuous collection, processing, and analysis of nutritional and dietary status data through stratified probability samples of the people of the United States designed to permit statistically reliable estimates of high-risk groups and geopolitical or geographic areas, and to permit accelerated data analysis (including annual analysis, as appropriate);

(3) maintain and enhance other Federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study, and, to the extent possible, coordinate such efforts with the surveys described in paragraphs (1) and (2);

(4) incorporate, in survey design, military and (where appropriate) institutionalized populations;

(5) complete the analysis and interpretation of the data sets from the surveys described in paragraph (1) collected prior to 1984 within the first year of the comprehensive plan;

(6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends;

(7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status, for relating food consumption patterns to nutritional and health status, and for use in the evaluation of Federal food and nutrition intervention programs;

(8) establish national baseline data and procedures for nutrition monitoring;

(9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of—

(A) obtaining dietary and nutrition status data;

(B) developing related data bases; and

(C) promoting the development of regional, State, and local data collection services to become an integral component of a national nutritional status network;

(10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan and contribute relevant data from non-Federal sources to promote the development of a national nutritional status network;

(11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research;

(12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board;

(13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, and resources, and define the organization and management of the Board and the Council; and

(14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by State and local governments, the private sector, scientific communities, and health care professionals, and that facilitates coordination with non-Federal activities.

(c) The comprehensive plan shall allocate all of the projected functions and activities under the coordinated program among the various Federal agencies and offices that will be involved, and shall contain an affirmative statement and description of the functions to be performed and activities to be undertaken by each of such agencies and offices in carrying out the coordinated program.

(d) The comprehensive plan shall—

(1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of this Act;

(2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register;

(3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and

(4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program.

(e) Nothing in this section may be construed as modifying, or as authorizing the Secretaries or the comprehensive plan to modify, any provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) that specifies—

(1) the department or agency to which funds are appropriated; or

(2) the obligations of such department or agency with respect to the use of such funds.

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

SEC. 104. (a) The comprehensive plan shall be carried out during the period ending with the close of the ninth fiscal year following the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3), and shall be—

(1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraphs (1) through (11) of section 103(b);

(2) managed in accord with paragraphs (12) through (14) of section 103(b);

(3) carried out, by the Federal agencies involved, in accord with the allocation of functions and activities under section 103(c); and

(4) funded by appropriations made to such agencies as described in section 106, for each fiscal year of the program.

(b) Nothing in this title may be construed to grant any new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

SCIENTIFIC RESEARCH AND DEVELOPMENT IN SUPPORT OF THE COORDINATED PROGRAM AND COMPREHENSIVE PLAN

SEC. 105. The Secretaries shall coordinate the conduct of, and may contract with the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Admin-

istration, the National Bureau of Standards, and other suitable Federal agencies, for such scientific research and development as may be necessary or appropriate in support of the coordinated program and the comprehensive plan and in furtherance of the purposes and objectives of this Act.

AUTHORIZATIONS AND APPROPRIATIONS

SEC. 106. (a) Authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under section 103(d)(3) and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c), in a separate line item of the budget of the agency involved and consistent with the interagency budget for the coordinated program.

(b) Nothing in this title is intended to either—

(1) authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program; or

(2) limit the authority of any of the participating agencies to request and receive funds for such purposes (for use in the coordinated program) under other laws.

TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

ESTABLISHMENT OF THE COUNCIL

SEC. 201. (a)(1) The President shall establish, within ninety days after the date of the enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries.

(2) The Council shall consist of nine voting members, of whom—

(A) four members shall be appointed by the President; and

(B) five members shall be appointed by Congress of whom—

(i) one shall be appointed by the Speaker of the House of Representatives;

(ii) one shall be appointed by the minority leader of the House of Representatives;

(iii) one shall be appointed by the President pro tempore of the Senate;

(iv) one shall be appointed by the majority leader of the Senate; and

(v) one shall be appointed by the minority leader of the Senate.

(3) The Council also shall include the joint chairpersons of the Board as ex officio nonvoting members.

(b) Each person appointed to the Council shall be—

(1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and

(2) selected solely on the basis of an established record of distinguished service.

(c) The persons appointed to the Council by the President shall include—

(1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring;

(2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring;

(3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and

(4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences.

(d) The Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, agriculture, minority organizations, and public interest organizations.

(e) The Chairperson of the Council shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. If a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy.

(f) The term of office of each of the voting members of the Council shall be five years, except that of the four members first appointed by the President, one shall be appointed for a term of two years, two for terms of three years, and one for a term of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. No member shall be eligible to serve continuously for more than two consecutive terms.

(g) The initial members of the Council shall be appointed or designated not later than ninety days after the date of the enactment of this Act.

(h) The Council shall meet on a regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum.

(i) Appointed members of the Council may not be employed by either the Department of Agriculture or the Department of Health and Human Services and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

(j) The Administrator of Nutrition Monitoring and Related Research (if appointed under section 101(d)) shall serve as the Executive Secretary of the Council.

(k) The Council shall terminate on October 1, 2000.

FUNCTIONS OF THE COUNCIL

SEC. 202. The Council shall—

(1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan;

(2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program;

(3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and

(4) submit to the Secretaries annual reports that—

(A) shall contain the components specified in paragraphs (2) and (3); and

(B) shall be included in full in the annual reports of the Secretaries to the President for transmittal to Congress under section 102(b).

TITLE III—DIETARY GUIDANCE

ESTABLISHMENT OF DIETARY GUIDELINES

SEC. 301. (a)(1) By January 1, 1990, and at least every five years thereafter, the Secretaries shall publish a report entitled "Dietary Guidelines For Americans". Each such report shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program.

(2) The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.

(b)(1) Any Federal agency which proposes to issue any dietary guidance for the general population or identified population subgroups, shall submit the text of such guidance to the Secretaries sixty days before the publication of the notice of availability for comment required to be published in the Federal Register under this section.

(2)(A) During the sixty-day review period established in paragraph (1), the Secretaries shall review and approve or disapprove such guidance to assure consistency with the "Dietary Guidelines for Americans". If both Secretaries disapprove of such guidance, it shall be returned to the agency. If either Secretary finds that such guidance is inconsistent with the "Dietary Guidelines for Americans" and so notifies the proposing agency, such agency shall follow the procedures set forth in this subsection before disseminating such proposal to the public in final form. If after such sixty-day period, either Secretary disapproves such guidance as inconsistent with the "Dietary Guidelines for Americans" the proposing agency shall—

(i) publish a notice in the Federal Register of the availability of the full text of the proposal and the preamble of such proposal which shall explain the basis and purpose for the proposed dietary guidance;

(ii) provide in such notice for a public comment period of thirty days; and

(iii) make available for public inspection and copying during normal business hours any comment received by the agency during such comment period.

(B) After review of comments received during the comment period either Secretary may approve for dissemination by the proposing agency a final version of such dietary guidance along with an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments as determined by the proposing agency.

(C) Any such final dietary guidance to be disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register, before public dissemination along with an address where copies may be obtained.

(D) If after the thirty-day period for comment as provided under subparagraph (A)(ii), both Secretaries disapprove a proposed dietary guidance, the Secretaries shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

(E) If a proposed dietary guidance is disapproved by both Secretaries under subparagraph (D), the Federal agency proposing such guidance may, within fifteen days after receiving notification of such disapproval under subparagraph (D), request the Secretaries to review such disapproval. Within fifteen days after receiving a request for such a review, the Secretaries shall conduct such review. If, pursuant to such review, either Secretary approves such proposed die-

tary guidance, such guidance may be issued by the Federal agency.

(3) For purposes of this subsection, the term "dietary guidance for the general population" does not include any rule or regulation issued by a Federal agency.

(c) This section does not place any limitations on—

(1) the conduct or support of any scientific or medical research by any Federal agency; or

(2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency.

Mr. BINGAMAN. Mr. President, I am pleased to present to the Senate the National Nutrition Monitoring and Related Research Act of 1988. This bill will greatly enhance the Federal Government's ability to collect and disseminate information concerning the nutritional quality of our food supply. I believe it is legislation crucial to the health and well-being of all Americans.

A. THE NEED FOR LEGISLATION

This legislation is vitally necessary because current nutrition research efforts are inadequate and disjointed. Despite considerable nutrition-related information from both the Federal Government and the private sector, the fact remains that we do not have a comprehensive nutrition monitoring program.

The embarrassing result simply is that we do not know the current nutritional status of our citizens. And without knowledge of this fundamental component, how can we develop programs to encourage safer, more nutritious food consumption nationwide or deal with diseases associated with dietary habits?

I believe we can lay the groundwork for a truly coordinated national data-gathering program only through a congressional mandate, such as S. 1081.

1. FEDERAL DEPARTMENTS INVOLVED

Currently, at least three Federal departments—the Department of Agriculture, the Department of Health and Human Services, and the Department of Commerce—collect data and conduct nutrition research and training. This is accomplished through more than 9 Federal agencies and 19 different surveys. Some estimates put the cost of this activity at more than $200 million.

Given such disparate data collection, analysis, and reporting it is no wonder that we need an integrated approach. Indeed, in a 1985 report to the President and Congress, the National Agricultural Research and Extension Users Advisory Board stated that because of poor coordination among the appropriate Federal agencies, each agency ignored opportunities "to economize and perhaps make the results more conclusive." More recently, the Hunger Task Force, appointed by President Reagan, recommended that the USDA and the DHHS coordinate their surveys on a continuous and timely basis.

2. DATA TIMELINESS

A second deficiency of recent nutrition monitoring efforts has been the lack of timely data. This issue becomes more critical when one considers that we in the Congress often rely upon this data when deciding whether to vote for or against health care, food assistance, food and environmental safety, agriculture production, and biomedical research.

Can we make informed decisions without current baseline data on the nutritional and health status of the U.S. population? Can we possibly know whether our current policies are having the intended effect, or whether we should be making crucial changes that would be evident if we had better information?

Throughout this Congress, the decisions we have been making have been based largely on data collected in the 1970s. Clearly, a more complete understanding of the relationship between diet, nutrition, and health would pay off in increased knowledge and fiscal savings.

B. CURRENT LEGISLATION

Despite the great need to address this issue, full Senate consideration of nutrition monitoring legislation has not come quickly or easily. This is the third Congress in which I have sponsored such legislation. It is the tenth year during which nutrition monitoring has been the subject of hearings and debate in the House. That body has passed legislation in three previous Congresses.

Earlier this year, the Governmental Affairs Committee held the Senate's first hearing on nutrition monitoring legislation. In May, the committee accepted two packages of amendments offered by me and the distinguished committee chairman, Senator GLENN, and unanimously reported S. 1081 to the full Senate. These amendments were the culmination of extensive efforts to consider the concerns of the administration, the Senate Agriculture Committee, and various health and agriculture organizations. I am pleased we were able to report a bill that is now supported by a broad, bipartisan coalition.

The bill before us today is the result of long and intensive negotiations spanning a number of years, and in recent months and weeks, a great number of hours. It is the strong, comprehensive result of compromise, and I am pleased to note that S. 1081 now enjoys the support not only of a bipartisan coalition in the Senate, but at least 45 organizations representing health, diet, agriculture, and commodity interests. These organizations include the American Heart Association, the American Dietetic Association, the National Grange, the National Cattlemen's Association, and the United Egg Producers. I ask unanimous consent that a more complete list of organizations supporting S. 1081 be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

C. S. 1081 PROVISIONS

Mr. BINGAMAN. Mr. President, the legislation before us today recognizes that we must streamline the administrative functions of Federal nutrition monitoring programs if we are to better understand the relationship between diet, nutrition, and health. Briefly, I would like to describe the provisions of S. 1081, as it was reported by the Governmental Affairs Committee.

Title I establishes a 10-year coordinated nutrition monitoring and research program that is to be the joint responsibility of the Secretaries of the Departments of Agriculture and Health and Human Services. An interagency board will help the Secretaries to develop a comprehensive plan for nutrition monitoring and to implement the program. The bill also stipulates that an administrator may be appointed to serve as a coordinator for the plan and program activities.

The 10-year comprehensive plan will serve both as a focal point for nutrition monitoring activities and as a means to identify national nutrition monitoring priorities. The coordinated program will build upon the 1981 joint implementation plan for a comprehensive national nutrition monitoring system, and will include, among other components: a grants program to encourage and assist State and local monitoring initiatives; an annual interagency budget for each fiscal year of the program; a means to stimulate academic-industry-government partnerships to accomplish national nutrition monitoring needs and foster productive interaction; and a biennial report, through contract with a nationally known scientific body, on the dietary, nutritional, and health related status of the American people and the nutritional quality of our food supply.

Title II of the act establishes a nine-member Advisory Council, to be appointed by the President and the Congress, that will provide scientific and technical advice on the development and implementation of the national nutrition monitoring program established under title I. The Council will also evaluate the effectiveness of the program.

Members of the Council will represent various geographic areas, the private sector, academia, scientific and professional societies, agriculture, minority organizations, and public interest groups.

Title III stipulates that by January 1, 1990, the Secretaries are to publish

a report, based on current scientific and medical knowledge, containing nutritional and dietary information and guidelines for the general public. Entitled "Dietary Guidelines for Americans," the report is to be updated at least every 5 years.

Title III also requires a public comment period before a Federal agency may issue certain dietary guidance if either Secretary finds the guidance inconsistent with the "Dietary Guidelines for Americans." Briefly, after a 60-day period during which the Secretaries are to review internally the proposed regulations, if either Secretary—or both Secretaries—objects to the proposal, the proposing agency must publish a "notice of comment" in the Federal Register. After the expiration of a 30-day comment period, either Secretary may approve the guidance for dissemination to the public. The guidance must be accompanied by an explanation of its basis and purpose which addresses any substantive comments received.

D. MISCELLANEOUS PROVISIONS

I would briefly like to comment on two provisions of S. 1081, as reported by the Governmental Affairs Committee. First, before reporting the bill to the full Senate, the committee accepted an amendment to clarify that "nutritional quality of the national food supply" includes: First, the appropriate levels of individual nutrients in the diet; second, the appropriate levels between nutrients in the diet; third, the bio-availability of nutrients such as absorption, digestion, and utilization; and fourth, the nutritional importance of nonnutrient substances such as fiber, phytate, and those that naturally are found in our food supply.

The committee also accepted an amendment aimed at addressing the problem of hunger. Recent studies on the nutritional status of persons in the United States have established that low-income populations, Hispanics, and native Americans are often nutritionally vulnerable. A real and pressing need exists to include in any nutrition surveillance a component specifically targeted to these groups. I am pleased that S. 1081 recognizes this need.

The legislation requires the Secretaries to assess, analyze, and report the dietary and nutritional status of the people of the United States and the trends with respect to such status. It specifically requires the Secretaries to deal separately with groups based on age, income, and race. Thus, we will have access to valuable data on the nutritional status of Hispanics, native Americans, low-income populations, and other groups of our society often overlooked in national nutrition surveys. In addition, as reported by the committee, S. 1081 specifically requires the Secretaries to include, as part of the comprehensive plan, a method for sampling subsets of identifiable low-income populations to assess, analyze, and report food and household expenditures, participation in food assistance programs, kinds of foods obtained through such programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet.

Such requirements should help the Congress and the administration better understand the full extent of the problem of hunger in America. With the data collected by the Secretaries, both the Federal and State Governments will be better equipped to provide critical assistance and guidance to all the people of this country.

E. COST ESTIMATE

Finally, in our current fiscal climate, I am compelled to state that this all may be accomplished in a manner that undoubtedly will save money. This is because, through administrative in-house restructuring, greater efficiency is possible. The Governmental Affairs Committee has received a Congressional Budget Office cost estimate on various elements of the bill. I ask unanimous consent to have that cost estimate printed 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, May 10, 1988.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared a cost estimate for S. 1081, the National Nutrition Monitoring and Related Research Act of 1988, as ordered reported by the Senate Committee on Governmental Affairs on April 14, 1988. The CBO estimates the cost to the federal government of this bill could be about $500,000 in fiscal year 1989, possibly increasing to about $600,000 in fiscal year 1991. The budgets of state and local governments would not be affected by the enactment of this legislation.

S. 1081 would establish a ten-year National Nutrition Monitoring and Related Research Program. The bill also establishes guidelines for a comprehensive plan that would coordinate nutrition monitoring activities and research and help set nutrition priorities in the United States.

The government currently funds nutrition monitoring and related research activities within the Departments of Agriculture and Health and Human Services. Section 106 of this bill states that Title I is not intended to authorize any funds above the current level of expenditures on nutrition monitoring and related research programs. This bill, however, would provide coordination of the current federal effort.

The CBO has estimated cost for coordinating the program in fiscal years 1989 through 1993. Under the bill, the Secretaries of Agriculture and Health and Human Services could appoint a full-time Administrator of Nutrition Monitoring and Related Research within four months of enactment. Funds for salary and overhead for the administrator and additional staff would be needed. We estimate the costs for the administrator and two additional staff to be about $250,000. This could increase to about $300,000 in fiscal year 1993 due to increases in federal pay levels.

Title III of the bill relates to the publication of dietary guidelines in 1990 and continuing every five years. The federal government currently publishes dietary guidelines. The coordination of the guidelines publication could require funds for salary and overhead for an administrator and additional staff. Administrative costs relating to the publication of these guidelines would be about $250,000 in fiscal year 1989 and could increase to about $300,000 in fiscal year 1993, due to federal pay level increases.

Please call me or have your staff contact Lori Housman if you have further questions.

Sincerely,

JAMES BLUM,
Acting Director.

F. CONCLUSION

Mr. BINGAMAN. Mr. President, the restructuring mandated in S. 1081 will ensure the effective use of Federal and State funds. It will help develop State and local initiatives to improve monitoring methods and standards. It will stimulate academic, industrial, and governmental partnerships.

And, most importantly, it will help ensure that the American public receives the most up-to-date and comprehensive dietary guidance possible so that healthful dietary decisions may be made.

Mr. President, I would like to conclude by thanking my colleagues on the Governmental Affairs and Agriculture Committees for their assistance in the development and evolution of this legislation. Senator GLENN has provided tremendous leadership as the Governmental Affairs Committee has sought ways in which the Congress can help improve our health care costs, and generally promote good health. His enthusiastic support for health promotion and disease prevention is a testimony to his concern for the well-being of all Americans.

I would like to thank the distinguished chairman of the Agriculture Committee, Senator LEAHY, for his role in this legislation. We are indebted to him, the committee members, and the committee staff for their efforts to ensure the critical support of the agriculture commodity organizations. It was indeed a pleasure to work with the chairman, Senator BOSCHWITZ, and other members of the Agriculture Committee. I salute the Senator from Vermont for his longstanding dedication to combating the rising problem of hunger in America. His efforts on behalf of the poor and impoverished in our country are admirable and must be commended.

Mr. President, before we move to final passage, I would also like to acknowledge the tremendous staff contributions to this bill. I am indebted to Dr. Eileen Choffness, John Parisi, and Andrea Fastenberg of the Governmen-

tal Affairs Committee; Ed Barron, David Johnson, and Laura Madden of the Agriculture Committee; Miriam Nelson of Senator LEAHY's personal staff; Diana Lifsey of Senator GLENN's personal staff; and Donna Porter of the Congressional Research Service. I would also like to thank and acknowledge the tremendous contribution of the American Heart Association, and in particular, Mary Crane. Her tireless work and concern for the health and well-being of all Americans is truly admirable.

Without the diligence and hard work of these people, and many others who I have not listed, we would not be in a position to take this important step toward implementing a comprehensive national nutrition monitoring system. Many long hours of effort over the past 10 years have gone into developing a plan for such a system that all of the concerned parties can support.

The entire nutrition monitoring coalition, both within and without the Senate, has come together in the spirit of cooperation to support this legislation. I hope we will be joined by the rest of our colleagues today in passing this bill and sending it to the House.

The American Academy of Pediatrics.
The American Association of Retired Persons.
The American Baptist Churches USA.
The American College of Preventive Medicine.
The American Dietetic Association.
The American Farm Bureau Federation.
The American Heart Association.
The American Home Economics Association.
The American Institute of Nutrition.
The American Meat Institute.
The American Medical Students Association.
The American Nurses Association.
The American Public Health Association.
The American School Food Service Association.
The American Society for Clinical Nutrition.
The Association of State and Territorial Health Officers.
The Association of Schools of Public Health.
The Association of Teachers of Preventive Medicine.
Bread for the World.
Center on Budget and Policy Priorities.
Coalition on Block Grants and Human Needs.
Food Research and Action Center.
Lutheran Office for Government Affairs.
Mennonite Central Committee.
National Association for WIC Directors.
National Broiler Council.
National Cattlemen's Association.
National Consumer League.
National Council of La Raza.
National Farmer's Union.
National Grange.
National Milk Producers Federation.
National Osteoporosis Foundation.
National PTA.
National Perinatal Association.
National Pork Producers Council.
National Student Campaign Against Hunger.
Public Voice for Food and Health Policy.
Service Employees International Union.
Society for Nutrition Education.
United Egg Producers.
United Fresh Fruit and Vegetable Association.
United States Conference of Local Health Officers.
World Hunger Education Service.
World Hunger Year.

AMENDMENT NO. 2831

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. BINGAMAN.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia, [Mr. BYRD], for Mr. BINGAMAN, proposes an amendment numbered 2831.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 32, line 2, strike "biannual" and insert in lieu thereof "biennial".

On page 47, insert between lines 21 and 22 the following new paragraph:

"(4) For purposes of this subsection, the term 'identified population subgroups' shall include, but not be limited to, groups based on factors such as age, sex, or race.".

Mr. BINGAMAN. Mr. President, this amendment is technical in nature. It does two things.

BIENNIAL REPORT

First, the amendment corrects a typographical error concerning the coordinated program status report required of the Secretaries under the act.

It was our intent that the report be submitted biennially, or every 2 years. However, the bill currently requires a biannual report. This amendment simply corrects the misspelling.

POPULATION SUBGROUPS

The amendment also clarifies the meaning of the term "identified population subgroups" as that term is used in title III of the act.

Under title III, Federal agencies are required to submit certain proposed dietary guidance to the Secretaries of USDA and DHHS for approval if that guidance is directed toward the general public or "identified population subgroups."

Upon Senator HATCH's request, I and Senator GLENN, on behalf of the Governmental Affairs Committee, have agreed to clarify that "identified population subgroups" shall include, but not be limited to, groups based on factors such as age, sex, or race.

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

The amendment (No. 2831) was agreed to.

Mr. HATCH. It is my understanding that the legislation as currently drafted only allows for the release of dietary guidance after a determination by the Secretaries that the information is consistent with existing "Dietary Guidelines for Americans." Would the Senator be willing to accept an amendment which would clarify that dietary guidance may be released under the provisions of the bill if the guidance is either consistent with the "Dietary Guidelines for Americans" or the guidance is based on medical or new scientific knowledge? Of course, that determination would still be made by the Secretaries. My amendment would also clarify that if a Secretary fails to notify the proposing Federal agency by the end of 60 day review period, that agency may consider that failure to act as an approval by that Secretary.

Mr. BINGAMAN. Yes, I would be willing to accept that amendment from the Senator from Utah.

Mr. HATCH. I wonder if the Senator from New Mexico would be willing to clarify an additional point. Is it his understanding that this bill will require the Federal Government to speak with one voice, assuring that all dietary guidance released is consistent and based on sound scientific information?

Mr. BINGAMAN. Yes, the Senator from Utah is correct. Title III of this legislation requires that all dietary guidance issued by all Federal agencies will go through the process developed in this bill, assuring that the Federal Government speaks with one voice when issuing dietary guidance.

Mr. HATCH. Would the Senator be willing to accept an amendment which would allow the Food and Drug Administration to exercise its existing authority under the Food, Drug, and Cosmetic Act without falling under the provisions of title III?

Mr. BINGAMAN. I will be willing to accept the Senator from Utah's amendment if it is clear that the Food and Drug Administration's authority is not expanded under the amendment.

Mr. HATCH. It is not my intent in offering the amendment to expand the Food and Drug Administration's authority; and, if the Food and Drug Administration were to issue dietary guidance not related to its authority under the Food, Drug, and Cosmetic Act, such guidance would fall under the provisions of this legislation.

Mr. BINGAMAN. With that understanding I will accept the Senator from Utah's amendment.

AMENDMENT NO. 2832

(Purpose: To provide that certain provisions are not limitations on the authority of the Food and Drug Administration; to modify the review and approval procedures for dietary guidelines for Americans and agency dietary guidance)

Mr. STEVENS. Mr. President, I send to the desk two amendments and ask unanimous consent they be considered

en bloc. They are amendments submitted en bloc on behalf of Senator HATCH.

The PRESIDING OFFICER. The clerk will report the amendments en bloc from the Senator from Alaska.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes amendments numbered 2832.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment not be read.

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

The amendment is as follows:

On page 47, line 24, strike out "or".

On page 48, line 3, strike out the period and insert in lieu thereof a semicolon and "or".

On page 48, add after line 3 the following new paragraph:

"(3) the authority of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).".

On page 45, line 22, beginning with "consistency" strike out all through the period on line 23, and insert in lieu thereof "that the guidance either is consistent with the 'Dietary Guidelines for Americans' or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretaries. If after such sixty-day period neither Secretary notifies the proposing agency that such guidance has been disapproved, and then such guidance may be issued by the agency.".

Mr. STEVENS. I ask for adoption of the Hatch amendment.

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

The amendment (No. 2832) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I take great pleasure in supporting enactment of the Nutrition Monitoring and Related Research Act of 1988—S. 1081—introduced last year by Senator BINGAMAN, and referred to the Governmental Affairs Committee.

Since 1977, the Federal Government has been moving in the direction of creating a national nutrition monitoring system. In a series of congressional hearings that have spanned the decade, Congress has examined the need for a coordinated system to analyze the nutritional status of the American people and the nutritional quality of the food supply we eat. With the enactment of this legislation, we will take the legislative steps needed to ensure the creation of such a system.

The lack of a comprehensive national nutrition monitoring system has hindered the ability of policymakers and the American public to fully consider and direct the quality and safety of the food supply, ensure that the nutritional needs of the American public are met, and acquire a database that will allow the planning and guidance of agriculture, nutrition, and health research.

The National Nutrition Monitoring and Related Research Act of 1988—S. 1081—will address the deficiencies in the current system by establishing a coordinated and 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.

Various Federal agencies and congressional committees have made numerous recommendations, submitted proposals, and written reports on the need for a coordinated and integrated nutrition monitoring system. The legislation being considered today would create a legislative mandate to establish and implement such a system by:

Improving coordination of nutrition monitoring activities among Federal agencies;

Providing for scientific and technical assistance to State and local governments and providing for research to develop cost-effective research methodologies;

Providing data—on a continuous basis—on high-risk groups and geographic areas; and

Making nutrition monitoring activities a line item of the budgets of each agency accepting responsibility for the 10-year plan for nutrition monitoring activities and allowing Congress and the public oversight over expenditures of funds.

On April 14, 1988, the Committee on Governmental Affairs marked up S. 1081 and voted unanimously to favorably report the bill.

I would like to compliment the junior Senator from New Mexico for his persistence and dedication to the creation of a national nutrition monitoring system. Senator BINGAMAN deserves the credit and respect of his colleagues on both sides of the aisle for his leadership in establishing such a system.

The legislation before us today is supported by the leadership and members of various committees in the Senate and has been endorsed by many organizations representing health and nutrition professionals, scientists, consumers, food producers, and health advocacy organizations. The enactment of this legislation is long overdue and I recommend that S. 1081 be passed favorably by the Senate and be signed into law this congressional session.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

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

So the bill (S. 1081), as amended, was passed, as follows:

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Nutrition Monitoring and Related Research Act of 1988".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) make more effective use of Federal and State expenditures for nutrition monitoring, and enhance the performance and benefits of current Federal nutrition monitoring and related research activities;

(2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program, and thereby provide a scientific basis for the maintenance and improvement of the nutritional status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutritive content) of the United States food supply;

(3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess, on a continuing basis, the dietary and nutritional status of the people of the United States and the trends with respect to such status, the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and the relevant policy implications;

(4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring;

(5) establish a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities;

(6) establish mechanisms for addressing the nutrition monitoring needs of Federal, State, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and

(7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "nutrition monitoring and related research" means the set of activities necessary to provide timely information about the role and status of factors that bear on the contribution that nutrition makes to the health of the people of the United States, including—

(A) dietary, nutritional, and health status measurements;

(B) food consumption measurements;

(C) food composition measurements and nutrient data banks;

(D) dietary knowledge and attitude measurements; and

(E) food supply and demand determinations;

(2) the term "coordinated program" means the National Nutrition Monitoring and Related Research Program established by section 101(a);

(3) the terms "Interagency Board for Nutrition Monitoring and Related Research" and "Board" mean the Federal coordinating body established by section 101(c);

(4) the term "comprehensive plan" means the comprehensive plan prepared under section 103;

(5) the term "Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System" means the plan of that title submitted to Congress in September 1981 by the Department of Agriculture and the Department of Health and Human Services, under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178);

(6) the terms "National Nutrition Monitoring Advisory Council" and "Council" mean the advisory body established under section 201;

(7) the term "Secretaries" means the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly;

(8) the term "local government" means a local general unit of government or local educational unit; and

(9) the term "nutritional quality" means—

(A) the appropriate levels of individual nutrients in the diet;

(B) the appropriate levels between nutrients in the diet;

(C) the bio-availability of nutrients such as absorption, digestion, and utilization; and

(D) the nutritional importance of non-nutrient substances such as fiber, phytate, and such substances that are naturally found in the food supply.

TITLE I—NUTRITION MONITORING AND RELATED RESEARCH

ESTABLISHMENT OF THE COORDINATED PROGRAM

SEC. 101. (a) There is established a ten-year coordinated program, to be known as the National Nutrition Monitoring and Related Research Program, to carry out the purposes of this Act.

(b) The Secretaries shall be responsible for the implementation of the coordinated program.

(c) To assist in implementing the coordinated program, there is established an Interagency Board for Nutrition Monitoring and Related Research, of which an Assistant Secretary in the Department of Agriculture (designated by the Secretary of Agriculture) and an Assistant Secretary in the Department of Health and Human Services (designated by the Secretary of Health and Human Services) shall be joint chairpersons. The remaining membership of the Board shall consist of additional representatives of Federal agencies, as determined appropriate by the joint chairpersons of the Board. The Board shall meet no less often than once every three months for the two-year period following the date of the enactment of this Act, and when appropriate thereafter.

(d) To establish a central focus and coordinator for the coordinated program, the Secretaries may appoint an Administrator of Nutrition Monitoring and Related Research. The Administrator shall—

(1) be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of the established record of expertise and distinguished service of such individual; and

(2) administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

FUNCTIONS OF THE SECRETARIES

SEC. 102. (a) The Secretaries, with the advice of the Board, shall—

(1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program;

(2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program;

(3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under section 103;

(4) include in the coordinated program and the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct, by Federal and non-Federal entities on an appropriate matching funds basis, of research (including research described in section 103(a)(3)) that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status;

(5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the provisions of this Act, to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services (including activities described in sections 103(a)(5) and 103(b)(9));

(6) include in the coordinated program each fiscal year an annual interagency budget for each fiscal year of the program;

(7) foster productive interaction, with respect to nutrition monitoring and related research, among Federal efforts, State and local governments, the private sector, scientific communities, health professionals, and the public;

(8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish every two years, or more frequently if appropriate, a report, on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutrititve content) of the national food supply; and

(9)(A) foster cost recovery management techniques in the coordinated program; and

(B) impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no such charge or fee imposed on an educational or other nonprofit organization shall exceed the actual costs incurred by the coordinated program in providing the publications involved).

(b) The Secretaries shall submit to the President for transmittal to Congress by January 15 of each alternate year, beginning with January 15 following the date of the enactment of this Act, a biennial report that shall—

(1) evaluate the progress of the coordinated program;

(2) summarize the results of such coordinated program components as are developed under section 103;

(3) evaluate the relevant policy implications of the analytical findings in the scientific report required under section 102(a)(8), and future nutrition monitoring and related research priorities;

(4) include in full the annual reports of the Council provided for in section 202; and

(5) include an executive summary of the report most recently published by the scientific body, as provided for in subsection (a)(8).

DEVELOPMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

SEC. 103. (a) The Secretaries, with the advice of the Board, shall prepare and implement a comprehensive plan for the coordinated program which shall be designed to—

(1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States, and the trends with respect to such status (dealing with such status and trends separately in the case of preschool and school-age children, pregnant and lactating women, elderly individuals, low income populations, blacks, Hispanics, and other groups, at the discretion of the Secretaries), the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and relevant policy implications of findings with respect to such status, trends, and research;

(2) sample representative subsets of identifiable low income populations, and assess, analyze, and report, on a continuous basis, food and household expenditures, participation in food assistance programs, kinds of foods obtained through such programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet;

(3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance;

(4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources as required;

(5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and

(6) focus the activities of the Federal agencies.

(b) The comprehensive plan, at a minimum, shall include components to—

(1) maintain and coordinate the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);

(2) provide, by 1990, for the continuous collection, processing, and analysis of nutritional and dietary status data through stratified probability samples of the people of the United States designed to permit statistically reliable estimates of high-risk groups and geopolitical or geographic areas, and to permit accelerated data analysis (including annual analysis, as appropriate);

(3) maintain and enhance other Federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study, and, to the extent possible, coordinate such efforts with the surveys described in paragraphs (1) and (2);

(4) incorporate, in survey design, military and (where appropriate) institutionalized populations;

(5) complete the analysis and interpretation of the data sets from the surveys described in paragraph (1) collected prior to 1984 within the first year of the comprehensive plan;

(6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends;

(7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status, for relating food consumption patterns to nutritional and health status, and for use in the evaluation of Federal food and nutrition intervention programs;

(8) establish national baseline data and procedures for nutrition monitoring;

(9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of—

(A) obtaining dietary and nutrition status data;

(B) developing related data bases; and

(C) promoting the development of regional, State, and local data collection services to become an integral component of a national nutritional status network;

(10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan and contribute relevant data from non-Federal sources to promote the development of a national nutritional status network;

(11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research;

(12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board;

(13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, and resources, and define the organization and management of the Board and the Council; and

(14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by State and local governments, the private sector, scientific communities, and health care professionals, and that facilitates coordination with non-Federal activities.

(c) The comprehensive plan shall allocate all of the projected functions and activities under the coordinated program among the various Federal agencies and offices that will be involved, and shall contain an affirmative statement and description of the functions to be performed and activities to be undertaken by each of such agencies and offices in carrying out the coordinated program.

(d) The comprehensive plan shall—

(1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of this Act;

(2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register;

(3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and

(4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program.

(e) Nothing in this section may be construed as modifying, or as authorizing the Secretaries or the comprehensive plan to modify, any provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) that specifies—

(1) the department or agency to which funds are appropriated; or

(2) the obligations of such department or agency with respect to the use of such funds.

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

SEC. 104. (a) The comprehensive plan shall be carried out during the period ending with the close of the ninth fiscal year following the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3), and shall be—

(1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraphs (1) through (11) of section 103(b);

(2) managed in accord with paragraphs (12) through (14) of section 103(b);

(3) carried out, by the Federal agencies involved, in accord with the allocation of functions and activities under section 103(c); and

(4) funded by appropriations made to such agencies as described in section 106, for each fiscal year of the program.

(b) Nothing in this title may be construed to grant any new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

SCIENTIFIC RESEARCH AND DEVELOPMENT IN SUPPORT OF THE COORDINATED PROGRAM AND COMPREHENSIVE PLAN

SEC. 105. The Secretaries shall coordinate the conduct of, and may contract with the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, and other suitable Federal agencies, for such scientific research and development as may be necessary or appropriate in support of the coordinated program and the comprehensive plan and in furtherance of the purposes and objectives of this Act.

AUTHORIZATIONS AND APPROPRIATIONS

SEC. 106. (a) Authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under section 103(d)(3) and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c), in a separate line item of the budget of the agency involved and consistent with the interagency budget for the coordinated program.

(b) Nothing in this title is intended to either—

(1) authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program; or

(2) limit the authority of any of the participating agencies to request and receive funds for such purposes (for use in the coordinated program) under other laws.

TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

ESTABLISHMENT OF THE COUNCIL

SEC. 201. (a)(1) The President shall establish, within ninety days after the date of the enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries.

(2) The Council shall consist of nine voting members, of whom—

(A) four members shall be appointed by the President; and

(B) five members shall be appointed by Congress of whom—

(i) one shall be appointed by the Speaker of the House of Representatives;

(ii) one shall be appointed by the minority leader of the House of Representatives;

(iii) one shall be appointed by the President pro tempore of the Senate;

(iv) one shall be appointed by the majority leader of the Senate; and

(v) one shall be appointed by the minority leader of the Senate.

(3) The Council also shall include the joint chairpersons of the Board as ex officio nonvoting members.

(b) Each person appointed to the Council shall be—

(1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and

(2) selected solely on the basis of an established record of distinguished service.

(c) The persons appointed to the Council by the President shall include—

(1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring;

(2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring;

(3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and

(4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences.

(d) The Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, agriculture, minority organizations, and public interest organizations.

(e) The Chairperson of the Council shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. If a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy.

(f) The term of office of each of the voting members of the Council shall be five years, except that of the four members first appointed by the President, one shall be appointed for a term of two years, two for terms of three years, and one for a term of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. No member shall be eligible to serve continuously for more than two consecutive terms.

(g) The initial members of the Council shall be appointed or designated not later than ninety days after the date of the enactment of this Act.

(h) The Council shall meet on a regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum.

(i) Appointed members of the Council may not be employed by either the Department of Agriculture or the Department of Health and Human Services and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

(j) The Administrator of Nutrition Monitoring and Related Research (if appointed under section 101(d)) shall serve as the Executive Secretary of the Council.

(k) The Council shall terminate on October 1, 2000.

FUNCTIONS OF THE COUNCIL

SEC. 202. The Council shall—

(1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan;

(2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program;

(3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and

(4) submit to the Secretaries annual reports that—

(A) shall contain the components specified in paragraphs (2) and (3); and

(B) shall be included in full in the annual reports of the Secretaries to the President for transmittal to Congress under section 102(b).

TITLE III—DIETARY GUIDANCE

ESTABLISHMENT OF DIETARY GUIDELINES

SEC. 301. (a)(1) By January 1, 1990, and at least every five years thereafter, the Secretaries shall publish a report entitled "Dietary Guidelines For Americans". Each such report shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program.

(2) The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.

(b)(1) Any Federal agency which proposes to issue any dietary guidance for the general population or identified population subgroups, shall submit the text of such guidance to the Secretaries sixty days before the publication of the notice of availability for comment required to be published in the Federal Register under this section.

(2)(A) During the sixty-day review period established in paragraph (1), the Secretaries shall review and approve or disapprove such guidance to assure that the guidance either is consistent with the "Dietary Guidelines for Americans" or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretaries. If after such sixty-day period neither Secretary notifies the proposing agency that such guidance has been disapproved, then such guidance may be issued by the agency. If both Secretaries disapprove of such guidance, it shall be returned to the agency. If either Secretary finds that such guidance is inconsistent with the "Dietary Guidelines for Americans" and so notifies the proposing agency, such agency shall follow the procedures set forth in this subsection before disseminating such proposal to the public in final form. If after such sixty-day period, either Secretary disapproves such guidance as inconsistent with the "Dietary Guidelines for Americans" the proposing agency shall—

(i) publish a notice in the Federal Register of the availability of the full text of the proposal and the preamble of such proposal which shall explain the basis and purpose for the proposed dietary guidance;

(ii) provide in such notice for a public comment period of thirty days; and

(iii) make available for public inspection and copying during normal business hours any comment received by the agency during such comment period.

(B) After review of comments received during the comment period either Secretary may approve for dissemination by the proposing agency a final version of such dietary guidance along with an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments as determined by the proposing agency.

(C) Any such final dietary guidance to be disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register, before public dissemination along with an address where copies may be obtained.

(D) If after the thirty-day period for comment as provided under subparagraph (A)(ii), both Secretaries disapprove a proposed dietary guidance, the Secretaries shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

(E) If a proposed dietary guidance is disapproved by both Secretaries under subparagraph (D), the Federal agency proposing such guidance may, within fifteen days after receiving notification of such disapproval under subparagraph (D), request the Secretaries to review such disapproval. Within fifteen days after receiving a request for such a review, the Secretaries shall conduct such review. If, pursuant to such review, either Secretary approves such proposed dietary guidance, such guidance may be issued by the Federal agency.

(3) For purposes of this subsection, the term "dietary guidance for the general population" does not include any rule or regulation issued by a Federal agency.

(4) For purposes of this subsection, the term "identified population subgroups" shall include, but not be limited to, groups based on factors such as age, sex, or race.

(c) This section does not place any limitations on—

(1) the conduct or support of any scientific or medical research by any Federal agency;

(2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency; or

(3) the authority of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

Mr. BYRD. I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank my good friend, the Senator from Alaska, the acting Republican leader, for his cooperation in transacting this morning business.

Mr. STEVENS. I thank the Senator, Mr. President.

Mr. BYRD. 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.

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

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

FARM CREDIT LOAN RESTRUCTURING WORKS

Mrs. KASSEBAUM. Mr. President, I have long been an advocate of the Farm Credit System working with troubled borrowers to reduce foreclosure rates and keep farmers on the land. I have been encouraged by recent progress made under the Agricultural Credit Act of 1987.

In 1986, when the farm economy was perhaps at its weakest point, I spoke to the annual meeting of Farm Credit Services in the Wichita District. I pointed out that farm foreclosure rates were alarmingly high and that their policies must change to find better ways to work with distressed borrowers.

I am proud of the progress being made in the Wichita district. During the first half of 1988, 70 percent of the submitted restructuring plans have been accepted. Farm foreclosures in Kansas are down by more than a third. More progress is needed, but the direction is positive.

The Great Bend Tribune, of Great Bend, KS, recently chronicled this progress in a news article titled "Critics Now Sing Praise to Federal Land Bank." It describes in personal terms the turnaround which has occurred.

My friend and neighbor, Sam Eberly of Wichita, is the national chairman

of the board of the Farm Credit Council this year. I congratulate Sam and all those in the Wichita district who have helped make loan restructuring work.

Mr. President, I ask unanimous consent that the article from the Great Bend Tribune be printed in the RECORD.

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

[From the Great Bend (IN) Tribune, July 17, 1988]

CRITICS NOW SING PRAISE TO FEDERAL LAND BANK

WICHITA (AP)—Ruth Hirsh once was among the chorus of farm activist voices criticizing the Federal Land Bank for being too tough on financially strapped agricultural borrowers and too quick to foreclose.

Today she's singing a different song, as are others who once were critics of the borrower-owned farm and ranch lender that holds more than half of the agricultural loans in Kansas and the nation.

"It's been a complete turnaround," Mrs. Hirsh said. "They greet you at the door and they're happy to see you. They're just willing to do anything they can to help."

Mrs. Hirsh and her husband, Don, have a diversified grain, beef and dairy cattle farm operation of slightly less than 1,000 acres near Kinsley. She is the Kansas Farmers Union in-house expert on the Farm Credit System, which has Federal Land Bank as one of its components.

In the four-state Wichita district that includes Kansas, Colorado, New Mexico and Oklahoma, the land banks and Wichita Intermediate Credit Bank, which lends to Production Credit Associations, recently were merged to form the Wichita Farm Credit Bank.

The more than 35-year-old Hirsh operation recently restructured its land bank loan. Negotiations still are under way with the Farmers Home Administration, Mrs. Hirsh said.

Districtwide figures for the first five months of 1988 show 568, or slightly more than two-thirds, of the loan restructuring plans submitted by distressed borrowers and analyzed have been accepted. Another 274 were rejected and 510 still were being evaluated. In Kansas, 254, or 73 percent, of the plans evaluated were accepted.

Of the 1,298 cases resolved by the Special Credit Department of the Farm Credit Bank districtwide through May 31, 916 borrowers, or about 71 percent, have an ongoing relationship with the lender after either bringing their loans current or working out some sort of restructuring.

For around 29 percent of the cases, or 382 borrowers, the loans were either paid off as part of arrangements with other creditors, canceled when property pledged as collateral was deeded over in a compromise arrangement, or resolved in court.

"We still have those we can't save," said Terry Gutschenritter, head of the special credit staff. "They know they can't be saved. The law requires us to work with these in an effort to return them to viability. If they can't come up with a plan or together we can't come up with a plan that's going to return them to viability, there's no use restructuring a loan just for the sake of going back two years from now and being in the same boat again."

The image the Federal Land Bank got as the farm crisis deepened was the result of being unprepared for the unexpected onslaught of borrowers who couldn't pay, Gutschenritter said. Bank staffers didn't have the training, skills or procedures to deal with distressed loans, he said. Many times they did all they knew to do: send letters demanding payment and then, if neither payments nor a response came in, turn the file over to the legal staff.

"We weren't in a rush to foreclose," he said. "But on the land bank side we were inundated with people who couldn't pay. It happened to us in a hurry."

In the fall of 1986, the Wichita district set up a Special Assets Group to do nothing but deal with problem loans. Consistent with their fear and distrust, farm activists who thought they would be facing a new collection agency called it the "Darth Vader Unit" after the villain in the "Star Wars" movies.

A corps of 100 handpicked loan officers with experience and skills suited for the task were trained and assigned to work on the loans. The Agricultural Credit Act of 1987 formalized many of the procedures already being used and set up a uniform national system for dealing with distressed borrowers in a manner similar to that being used in the Wichita district.

Distressed borrowers are sent notices inviting them to propose a restructuring plan. Or they are invited to submit one when they report to a loan officer they are having financial difficulty.

In order to evaluate the plan, the bank asks for balance sheets, operating statements, tax returns and a release allowing contact with other creditors.

Often, a part of the loan balance is set aside for three to five years, the note is reamortized or the lender agrees to delay the next payment until crops or cattle are sold, Gutschenritter said.

If the borrower and Special Credit loan officer can't agree, the borrower has a right to appeal the rejection of his plan to an independent credit review committee.

"We find far and away most of our borrowers are people who want to pay their debts if there's any way they can do it," he said.

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

The PRESIDING OFFICER (Mr. BURDICK). 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.

ORDERS FOR WEDNESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the Senate, at 9:30, go into executive session to consider the nomination of Calendar Order No. 770, Message No. 880, Karen Borlaug Phillips, to be a member of the Interstate Commerce Commission, that there be 10 minutes of debate thereon to be equally divided between Mr. PACKWOOD and Mr. HOLLINGS, and that upon the expiration of the time the vote occur on the nomination without further intervening action and that upon the disposition of the vote the Senate return to legislative session.

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

Mr. BYRD. Mr. President, I also ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning, that following the two leaders under the standing order there be a period for morning business for not to extend beyond the hour of 9:20 a.m., that Senators may speak during that period for morning business for not to exceed 5 minutes each, and that no motions or resolutions over, under the rule, come over, and that the call of the calendar be waived under rule VIII.

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

Mr. BYRD. Mr. President, I ask unanimous consent, as in executive session, that it be in order to order the yeas and nays at this time on the nomination of Ms. Phillips.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays, as in executive session.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I go home still with high hopes, and I will talk with the good Lord tonight a little bit, too, which always helps.

There will be no more rollcall votes today.

Mr. DOLE. Will the majority leader yield just briefly?

Mr. BYRD. Yes.

Mr. DOLE. I know we are about to reach a decision one way or the other. Either we are going to have something or not have anything. I am not certain at this point where it will come out. It seems one minute we are fairly close and 5 minutes later we are in another meeting. So I am not certain.

I have indicated to some Members on this side, if it is any incentive, that, if we do complete action tomorrow on all the things we mentioned earlier, there would not be much need for a session on Thursday. A number of our Members are on platform committees at our convention in New Orleans. We have had them running back and forth. The Senator from Wisconsin, Senator KASTEN, came all the way back today to vote on Contra aid. We did not have a vote. He got back on an airplane at 7:50 and headed back to New Orleans.

So I hope that if we could reach an agreement we could do it early in the morning and not wait around until noon to reach some agreement. Hopefully, all these requests for time could be cut in half or less. This issue has

been around for 7 or 8 years. I really believe that most Members in the Senate understand what the issue is. I would hope that we would not have interminable debate. I know many of my colleagues certainly want to cooperate if they can.

I will make an effort in the morning, A, to get an agreement; B, to cut the time; and C, to get on with it, if we can do it.

Mr. BYRD. Mr. President, the Republican leader has certainly done everything he can do. I am confident of that. He has been very painstaking and patient, and I compliment him.

I hope that all of our colleagues will consider the fact that many scores of man-hours have been put into the effort already trying to reach an agreement on how we approach the Contra aid situation. I am perfectly willing to call up the urgent supplemental bill and Mr. DOLE can offer his amendment to it. I would be very much opposed to the amendment, because I do not want to see any amendment on Contra aid attached to that urgent supplemental appropriation bill. Nevertheless, the Senate will work its will.

Then, the Senate could go on the DOD appropriations bill and vote on the amendment which I would offer in the second degree, which I would hope, by that time, to be joined in by Mr. DOLE and other Senators on his side.

Once this matter is disposed of, if it can be disposed of, then the rest of the bill, I do not think, would take a great deal of time. Possibly it could be completed on tomorrow.

I think all Senators should understand that none of us can have it exactly his own way. This is a thorny, complicated, complex matter and the package that I have worked out on my side of the aisle has been worked out after laborious, painstaking efforts and it is a fragile coalition and I am not going to tamper with it.

The Senate can simply reach its will one way or the other at some point. It ought to be done before the Republican Convention. I hope it will be done. It is important that the urgent supplemental appropriations bill be disposed of and that the conference report thereon be disposed of before the convention.

I think we all ought to understand, too, that whether or not separate appropriation bills will be sent to the President on various other Department funding programs may hinge on this DOD appropriation bill.

If this bill hangs around, if it is left, if we come back after the convention, if we have not resolved the matter, it is going to hold up, I am afraid, action in conference on some of the other appropriations bills. And it is the desire of both leaders in this body, and I am confident that it is the desire of the leadership on both sides of the aisle in the other body, that the appropriation bills go to the President separately and individually and not be all wrapped up in one continuing resolution.

We will be a long way down that road if we can complete the action on the DOD appropriations bill before we go to the convention. So there is a lot hinging on this bill that is separate and aside, as far as subject matter is concerned.

DELAY SEA TURTLE CONSERVATION REGULATIONS

Mr. BYRD. Mr. President, I understand that the Senate has received from the House H.R. 5141, a bill to delay certain regulations relating to sea turtles. On behalf of Mr. HEFLIN and at his request I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

An act, H.R. 5141, to delay temporarily certain regulations relating to sea turtle conservation.

Mr. BYRD. Mr. President, I notice that all of the audience we had in the fourth estate of the gallery suddenly left Oh, no; there is somebody up there.

Mr. President, I ask for the second reading.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

The bill was held at the desk.

Mr. BYRD. All right. I again thank the distinguished Republican leader. He is my friend and we are going to continue to work together patiently to try to resolve this.

But I would say if we are going to reach an agreement, we ought to do so early tomorrow so that the Senate can proceed to work its will and not waste many, many hours on tomorrow and end up having to work far into the evening and perhaps on Thursday the same. I think we are as close as we are going to get and the sooner we understand that, the better, because we have reached the point where there just is not, as far as I am concerned, there is just no more give on this side that we can do. Our coalition would fall apart and I do not want that to happen.

PROGRAM

Mr. BYRD. Mr. President, tomorrow the Senate will come in at 9 o'clock. There will be a period for morning business, following the two leaders under the standing order, not to extend beyond 9:20 a.m. Senators will be permitted to speak during that period for morning business for not to exceed 5 minutes each.

At 9:20, by unanimous consent, the Senate will go into executive session to consider the nomination of Karen Phillips of Virginia, to be a member of the Interstate Commerce Commission. There will be 10 minutes of debate, to be equally divided and controlled between Mr. PACKWOOD and Mr. HOLLINGS.

At 9:30 a.m., the vote will occur, and it will be a rollcall vote, on the nomination. It will be a 15-minute rollcall vote. The call for regular order will be automatic at the conclusion of the 15 minutes.

Upon the disposition of the nomination, the Senate will return to legislative session and the Senate will then be back on the DOD appropriations bill, presumably, at that time. The question will be on the amendment in the first degree offered by Mr. BYRD.

It is hoped that further progress can be made overnight. Time is running out. The sands in the hourglass are slowly dropping one by one.

Mr. President, I ask unanimous consent that the leader time on tomorrow be reduced to 5 minutes each for the two leaders.

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

Mr. BYRD. Now, Mr. President, I ask unanimous consent that the Senate go into executive session tomorrow at 9:20 a.m., and that the time, the 10 minutes begin running at that time, which would allow the vote, then, to occur on the nomination at 9:30 a.m.

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

Mr. BYRD. I thank all Senators, and I thank the staff.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 8:39 p.m. the Senate adjourned until Wednesday, August 10, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 9, 1988:

INTERNATIONAL ATOMIC ENERGY AGENCY

LANDO W. ZECH, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 33D SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

INTER-AMERICAN FOUNDATION

VICTOR BLANCO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERI-

CAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1994 (REAPPOINTMENT).

SECURITIES INVESTOR PROTECTION CORPORATION

FREDERICK N. KHEDOURI, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1990, VICE DAVID F. GOLDBERG, TERM EXPIRED.

STATE JUSTICE INSTITUTE

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR TERMS EXPIRING SEPTEMBER 17, 1991:

DANIEL JOHN MEADOR, OF VIRGINIA (REAPPOINTMENT).

CLEMENT CLAY TORBERT, JR., OF ALABAMA (REAPPOINTMENT).

U.S. INSTITUTE OF PEACE

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR TERMS EXPIRING JANUARY 19, 1993:

JOHN NORTON MOORE, OF VIRGINIA (REAPPOINTMENT).

DENNIS L. BARK, OF CALIFORNIA (REAPPOINTMENT).

EVRON M. KIRKPATRICK, OF MARYLAND (REAPPOINTMENT).

ALLEN WEINSTEIN, OF THE DISTRICT OF COLUMBIA (REAPPOINTMENT).

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. BRUCE DEMARS, [redacted] 1120, U.S. NAVY.