SENATE—*Thursday, July 27, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

Let us pray:

I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty.—I Timothy 2:1,2.

Our Father in heaven, the Bible promises "a quiet and peaceable life with all godliness and honesty" if we obey the exhortation to pray for all people and for leadership. Our cities, our Nation, our society, seem under insidious and viscious attacks which violate our moral, ethical, and spiritual foundations. Despite the hard work of legislation, despite exorbitant sums of money and the best efforts at enforcement, chemical dependency, with all the evils it generates, not only defies solution but grows exponentially. Somehow, if even as a last resort, even if we find it difficult to take prayer seriously, help us to try. Help us to hear the simple cliché, "When all else fails, try prayer."

Patient Father, teach us to pray. Baptize us with the spirit of prayer for the sake of the unnumbered lives being destroyed, for the salvation of our Nation, for the glory of God. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

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

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

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business until 10 o'clock with Senators permitted to speak therein for up to 5 minutes each.

The Senate will begin consideration of the Agriculture appropriations bill at 10 o'clock this morning. Once action on that bill is completed, the Senate will take up the energy and water appropriations bill. Upon disposition of the energy and water bill, the Senate will return to consideration of S. 1352, the Defense authorization bill.

For the information of Senators, votes are likely to occur throughout the day and into the evening. As I previously indicated to Senators, both in writing and orally on many occasions, Thursday is the day on which votes are possible late in the evening, and I expect that we will go well beyond the 7 o'clock hour with respect to votes this evening.

In addition, Mr. President, I remind Senators, as I have stated publicly on several previous occasions, it is my hope at the very close of business today to obtain an agreement limiting amendments to the Defense authorization bill to those which have been filed as of the close of business today. Senators will have had, then, 4 days on the bill, and in this way we ought to be able to complete action on it within a reasonable time next week to permit us to complete all action necessary in time for the scheduled recess.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business until the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JOHN F. TURNER, DIRECTOR-DESIGNATE, U.S. FISH AND WILDLIFE SERVICE

Mr. DECONCINI. Mr. President, I rise today to commend President Bush on his selection of Mr. John F. Turner as Director of the U.S. Fish and Wildlife Service. Mr. Turner brings with him impeccable credentials for directing this Nation's crucial Federal fish and wildlife management programs.

The Fish and Wildlife Service is responsible for the operation of more than 450 national wildlife refuges and 70 national fish hatcheries, listing and recovering of endangered species, conducting research and management for migratory birds, conserving and restoring nationally significant fisheries, assisting Indian tribes in their fisheries management efforts, evaluating the effects of development projects on fish and wildlife with emphasis on reducing or mitigating adverse impacts, administering Federal aid funds for State fish and wildlife restoration, identifying environmental contaminants that threaten fish and wildlife species, and enforcing laws protecting fish, wildlife, and plants from exploitation by poachers and commercial interests.

Mr. Turner's academic achievements, a bachelor of science degree in biology from Notre Dame and a master's degree in wildlife ecology from the University of Michigan, will provide him with a strong foundation on which to make sound, practical conservation decisions. This impressive background will serve him well during this time when the demand on living resource conservation programs has reached global proportions. I believe, Mr. President, that we have passed the point in both history and reality where only a single nation has the ability to address the magnitude of the problems facing many of our fish, wildlife, and plant populations. We need to look no further than the precipitous declines of our North American waterfowl populations and the African elephant herds to find dramatic examples of this extremely disturbing trend.

However, sound fish and wildlife conservation entails more than just academic knowledge about such subjects as population dynamics, habitat manipulation, species identification,

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

and related scientific expertise. In order to conduct proactive fish, wildlife, and plant conservation programs, one needs to possess the ability to develop and implement these programs with an understanding of, and responsiveness to, a broad range of human interests, such as development, jobs, multiple-use recreation, research, energy production, and preservation. One term I've heard that describes this demanding balancing process is "biopolitics."

According to information this Senator has reviewed, Mr. Turner has the ability to effectively apply biopolitics in real-world management of fish and wildlife resources. His 19 years of experience in the Wyoming Legislature as a member and later as a leader in various capacities within that State senate give him the background to assess the needs of a constituency. This legislative experience, when combined with his short stints as Acting Governor, provides Mr. Turner with a keen insight into the role of an agency director. Mr. Turner's close affinity to the land, as evidenced by his outdoor-oriented interests and involvement with numerous wildlife related committees, have afforded him the opportunity to acquire a real sense of conservation ethics.

Mr. President, in my opinion, with the outstanding credentials possessed by the President's nominee, Mr. John F. Turner has the potential to become one of the most productive and successful Directors that the U.S. Fish and Wildlife Service has ever had. Despite the enormous tasks and challenges facing him, and granted his decisions may not always be in consonance with the views of others, including some Members of Congress, I am convinced Mr. Turner has the capability and courage to effectively manage the fish, wildlife, and plant resources under his jurisdiction.

I look forward to working with Mr. Turner upon his confirmation by this body, and wish him every success as he assumes his new responsibilities.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. SIMON. Mr. President, today I have introduced a constitutional amendment to require a balanced budget. It is cosponsored by Senator HATCH, Senator DECONCINI, Senator THURMOND, and Senator BRYAN. I think it is clear we have a severe problem in this Nation that has to be addressed.

It is very interesting that in 1796 Thomas Jefferson wrote a letter in which he said if I could just add one amendment to the Constitution, it would be to require a balanced budget. He favored one that was rigid, where there could be no exceptions.

What we have introduced is one that says if you have a three-fifths vote of the House or the Senate you can have an unbalanced budget. There are times when we should have an unbalanced budget, but we should not have them year after year after year after year. That is what we have done.

We are getting on very thin ice. We are doing precisely what we tell all the developing nations they should not do.

One of the little changes—I serve on the Budget Committee—that has now been made, when we talk about interest, we talk about net interest. The figure we should talk about is gross interest.

What we do is we have finessed these figures so we subtract the interest earned from the Social Security trust funds before we list interest so it does not look so bad. The real figure is gross interest. The gross interest figure, fiscal year 1980, was $83 billion. The gross interest figure this fiscal year will be $234 billion, and next year, even under the optimistic forecasts that we assumed in this budget resolution, which assumes that the Federal Government can sell bonds at 5½ percent—and that is an optimistic scenario—next year under even the most optimistic scenario the gross interest expenditure by the Federal Government will be $263 billion. The following year, unless something happens that I do not anticipate, for the first time in the Nation's history the No. 1 expenditure of the Federal Government will be interest. It will pass defense as the No. 1 expenditure of our Government.

We just cannot continue this. I do not care whether you are a conservative or a liberal. It does not make sense to spend an increasing percentage of our tax dollar on interest. The fastest growing item in the Federal budget by far is interest. We simply have to get ahold of this thing. If we get ahold of it, not only will our children and grandchildren and generations to come benefit, there will be immediate benefits in this country.

The prime rate of interest today in our Nation is 11 percent. The prime rate of interest today in Japan is 3½ percent. What that would mean, if we could get interest rates down, even down to 8 percent, would be a startling change in the economy of our country. And it would have a huge benefit on the deficit itself. We can have this snowball going in the right direction rather than the wrong direction.

When you have a $2.8 trillion deficit, if you save 1 percent in interest, you save $28 billion a year. That is a lot of money, even for the Senator from Alabama or the Senator from Washington or the Senator from Oregon or the Senator from Florida.

There is another factor here and that is the redistribution factor. Who pays the $234 billion that we will pay this year in interest? By and large it is middle-income people. Who gets that $234 billion? By and large it is those who are more fortunate. So it is a redistribution of wealth, taking from people of limited means, giving to those who are more fortunate. We should not be spending our money that way.

When I was first elected to the State legislature, Mr. President, I got a letter from a man in South Roxana, IL. He had 13 points to his letter. The first 12 points were increased services he wanted from government and the 13th point was cut taxes. Believe it or not, we have adopted his program.

We just have to recognize we have a problem. It is a massive problem, and I do not know of any way to force discipline on this body other than a constitutional amendment. We are getting on thin ice. I cannot tell you when that ice is going to break, but I know we are getting out there on thinner and thinner ice and we better get ahold of ourselves.

I hope my colleagues here will join in voting for this important constitutional amendment.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is closed.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1990

The PRESIDENT pro tempore. Under the order, the Senate will proceed to the consideration of H.R. 2883, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2883) making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1990, and for other purposes.

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

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

H.R. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to

exceed $50,000 for employment under 5 U.S.C. 3109, $1,789,000: *Provided,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

[FARM AND EXPORT PROGRAMS

[For development of a plan by the Secretary for returning the use of the Commodity Credit Corporation to its primary function which was to buy and sell competitively to enable the farmer to offset high American costs and to maintain his fair share of world markets; and to restore the use of section 32 (30 per centum of customs receipts) as authorized by law, the use of which is presently suspended, to enable the farmer to secure his income from the user of his products rather than the U.S. Treasury and to enable the American farmer to regain and retain, by competitive sales, our normal share of world markets, $500,000.

[COMPILATION OF METHODS USED BY FOREIGN COUNTRIES TO PROTECT THEIR DOMESTIC AGRICULTURE

[To enable the Secretary of Agriculture to investigate and compile a listing of the laws and practices used by foreign countries to protect their domestic agriculture from foreign competition and to expand their foreign markets in order to assist the Department in regaining and retaining our fair share of world markets, $500,000.]

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed $25,000 for employment under 5 U.S.C. 3109, $397,000: *Provided,* That not to exceed $3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $4,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, [$467,000] *$474,000.*

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $49,467,000, of which $3,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided,* That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, $23,033,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of Advisory Committees of the Department of Agriculture which are included in this Act, $1,494,000: *Provided,* That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of Advisory Committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, except for expenses of the Commodity Credit Corporation, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $20,000,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, $22,020,000 and in addition, for payment of the USDA share of the National Communications System, $2,000; making a total of $22,022,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

[WORKING CAPITAL FUND

[An amount of $3,750,000 is hereby appropriated to the Departmental Working Capital Fund to increase the Government's equity in this fund and to provide for the purchase of automated data processing, data communication, and other related equipment necessary for the provision of Departmental centralized services to the agencies.]

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AND PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental and Public Affairs to carry out the programs funded in this Act, $414,000.

PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, $7,964,000 including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000, may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided,* That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

CONGRESSIONAL RELATIONS

For necessary expenses for liaison with the Congress on legislative matters, [$497,000] *$588,000.*

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, $479,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), [$51,576,000] *$52,530,000,* including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95-452), and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, [$21,316,000] *$22,340,000.*

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, $454,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, [$50,489,000]

$51,714,000; of which $500,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, $67,901,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $1,936,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, $438,000.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, [$589,500,000] *$591,447,000*: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That uniform allowances for each uniformed employee of the Agricultural Research Service shall not be in excess of $400 annually: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $750,000, and except for ten buildings to be constructed or improved at a cost not to exceed [$400,000] *$500,000* each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations on purchase of land shall not apply to the purchase of land at Corvallis, Oregon; Weslaco, Texas; and Kimberly, Idaho: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,000,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, [$5,390,000] *$11,735,000*: *Provided*, That facilities to house Bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94-129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities: *Provided further*, That funds recovered in satisfaction of judgment at the Plum Island Animal Disease Center shall be available and augment funds appropriated in a prior fiscal year for construction at Plum Island Animal Disease Center and be used for construction necessary to consolidate research and operations at the Center and for renovation of the Beltsville Agricultural Research Center.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including [$158,545,000] *$155,545,000* to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); [$12,975,000] *$17,500,000* for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582-a7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $25,333,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges including Tuskegee University; [$47,835,000] *$45,838,000* for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); [$40,416,000] *$45,716,000* for competitive research grants including administrative expenses; $5,476,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; [$200,000] *$425,000* for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); [$1,168,000] *$5,368,000* for grants for research and construction of facilities to conduct research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178); and section 1472 of the Food and Agricultural Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; [$5,754,000] *$6,254,000* for higher education grants under section 1417(a) of Public Law 95-113, as amended (7 U.S.C. 3152(a)); $3,750,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; [$2,000,000] *$3,152,000* for grants to States for the operation of international trade development centers, as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3292); $4,450,000 for low-input agriculture as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 4701-4710); and [$11,248,000] *$22,348,000* for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; in all, [$319,625,000] *$341,630,000*.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research,

extension and teaching programs of the Department of Agriculture, where not otherwise provided, [$22,960,000] *$49,414,000.*

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, [$246,594,000] *$241,594,000*; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,635,000; [payments for the urban gardening program under section 3(d) of the Act, $3,500,000]; payments for the pest management program under section 3(d) of the Act, $7,164,000; [payments for the farm safety program under section 3(d) of the Act, $970,000;] payments for the pesticide impact assessment program under section 3(d) of the Act, $2,580,000; grants to upgrade 1890 land-grant college extension facilities as authorized by section 1416 of Public Law 99-198, $9,508,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $950,000; payments for extension work under section 209(c) of Public Law 93-471, $953,000; payments for a groundwater quality program under section 3(d) of the Act, [$4,000,000] *$6,500,000*; payments for a financial management assistance program under section 3(d) of the Act, $1,427,000; for special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100-219, $3,350,000 *payments for carrying out the provisions of the Renewable Resource Extension Act of 1978 under 3(d) of the Act, $2,765,000*; and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee University, $22,000,000; in all, [$361,631,000] *$357,426,000*, of which not less than $79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93-471, and the Act of September 29, 1977 (7 U.S.C. 341-349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, [$7,319,000] *$9,245,000*, of which not less than $2,300,000 is for Home Economics.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, [$14,448,000] *$14,947,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $675,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further, That $400,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818).*

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service (including Office of Transportation) and Packers and Stockyards Administration, $427,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, [$342,146,000] *$352,768,000*, of which $4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That $1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further*, That uniform allowances for each uniformed employee of the Animal and Plant Health Inspection Service shall not be in excess of $400 annually: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, [$15,172,000] *$11,672,000.*

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $422,799,000: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $8,185,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $36,856,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $4,714,000; of which $99,000 shall be available for a field office in Hawaii: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section

706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $70,000 for employment under 5 U.S.C. 3109, [$33,187,000] *$33,155,000*; of which not less than $1,623,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $37,962,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $8,007,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), [$942,000] *$1,500,000*.

OFFICE OF TRANSPORTATION

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,397,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $9,562,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, $419,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241-273); and laws pertaining to the Commodity Credit Corporation, not to exceed $632,588,000, to be derived by transfer from the Commodity Credit Corporation fund: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $5,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursement.

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $225,626,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $162,939,000, of which $28,862,000 is to reimburse the Federal Crop Insurance Corporation Fund for agents' commission and loss adjustment obligations incurred during prior years, but not previously reimbursed, as provided for under the provisions of section 516(a) of the Act.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

[For fiscal year 1990, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $4,800,000,000 in the President's fiscal year 1990 Budget Request (H. Doc. 101-4)), but not to exceed $4,233,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

[Such funds are appropriated to reimburse the Corporation to restore losses incurred during fiscal years 1988 and 1989 in the amount of $1,969,000,000 in connection with carrying out the Export Enhancement Program (EEP), $264,000,000 to restore losses incurred in connection with carrying

out the Targeted Export Assistance Program (TEA), and $2,000,000,000 to restore losses in connection with carrying out the Federal Crop Insurance Program.]

For fiscal year 1990, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained or anticipated, but not previously reimbursed, but not to exceed $4,800,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 1125(b) of the Food Security Act of 1985 (Public Law 99-198).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 1131(3)(B) of the Food Security Act of 1985 (Public Law 99-198).

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

Not to exceed $7,415,000 may be transferred from the Commodity Credit Corporation funds to support the General Sales Manager, of which up to $4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, $424,000.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

From funds in the Rural Housing Insurance Fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, [$1,944,990,000] *$1,919,990,000,* of which not less than [$1,894,420,000] *$1,869,420,000* shall be for subsidized interest loans to low-income borrowers, as determined by the Secretary, and for subsequent loans to existing borrowers or to purchasers under assumption agreements or credit sales, and for loans to finance sales or transfers to nonprofit organizations or public agencies of not more than 5,000 rental units related to prepayment; and not to exceed $10,000,000 to enter into collection and servicing contracts pursuant to the provisions of section 3(f)(3) of the Federal Claims Act of 1966 (31 U.S.C. 3718).

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, total new obligations shall not exceed $300,310,000, to be added to and merged with the authority provided for this purpose in prior fiscal years: *Provided,* That of this amount not less than $124,918,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,082,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further,* That $170,310,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further,* That agreements entered into or renewed during fiscal year 1990 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further,* That agreements entered into or renewed during fiscal years 1986, 1987, 1988 and 1989, may also be extended beyond five years to fully utilize amounts obligated.

For an additional amount to reimburse the Rural Housing Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487(e), and 1490a(c)), including $1,317,000 as authorized by section 521(c) of the Act, also including not to exceed $5,000,000 for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act; $2,677,897,000. For an additional amount as authorized by section 521(c) of the Act, such sums as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $500,000 shall be available from funds in the Self-Help Housing Land Development Fund.

AGRICULTURAL CREDIT INSURANCE FUND

For direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $569,000,000, of which [$474,000,000] *$519,000,000* shall be guaranteed loans; [$14,000,000] *$7,000,000* for water development, use, and conservation loans, of which [$3,000,000] *$1,500,000* shall be guaranteed loans; operating loans, [$3,523,000,000] *$3,467,500,000,* of which $2,600,000,000 shall be guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, [$2,000,000] *$1,000,000*; for emergency insured and guaranteed loans, $600,000,000 to meet the needs resulting from natural disasters; and for matching grants authorized by section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101-5106), [$3,000,000] *$4,000,000: Provided, That notwithstanding any other provision of law, the Secretary shall, by October 15, 1989, allocate to the States the full amount of farm operating loans authorized by this Act and in a manner that will provide each State with the same percentage of the total as it used in fiscal year 1989.*

For an additional amount to reimburse the Agricultural Credit Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), [$4,259,000,000] *$4,462,159,000.*

RURAL DEVELOPMENT INSURANCE FUND

For direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661-664, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, [$445,380,000] *$415,000,000,* of which $75,000,000 shall be for guaranteed loans; guaranteed industrial development loans, $95,700,000; and community facility loans, [$119,700,000] *$145,700,000,* of which [$24,000,000] *$50,000,000* shall be for guaranteed loans.

For an additional amount to reimburse the Rural Development Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $1,474,499,000.

RURAL DEVELOPMENT LOAN FUND

For direct loans to intermediary borrowers, [$14,000,000] *$25,000,000,* as authorized under the Rural Development Loan Fund (42 U.S.C. 9812(a)), to be available from funds in the Rural Development Loan Fund, $2,000,000 and from funds appropriated to this account, [$12,000,000] *$23,000,000.*

RURAL WATER AND WASTE DISPOSAL GRANTS

[For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $209,395,000, to remain available until expended, pursuant to section 306(d) of the above Act.]

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $209,395,000, to remain available until expended, pursuant to section 306(d) of such Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), [$12,500,000] *$9,513,000,* to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), [$9,500,000] *$8,000,000.*

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), $3,091,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $19,140,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310(B)(c) (7 U.S.C. 1932) to any qualified public or private nonprofit organization, [$6,500,000] *$26,500,000*: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance for rural communities needing improved passenger transportation systems or facilities in order to promote economic development: *Provided further, That $2,000,000 shall be available for grants to statewide private, non-profit public television systems in predominately rural States, to provide information and services on rural economics and agriculture.*

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, $600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, $422,934,000, together with not more than $3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(a) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed $1,000,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed [$3,068,000] *$3,400,000* of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further, That notwithstanding any other provision of law, $1,000,000 of this appropriation shall be available solely to carry out the Lower Mississippi Delta Development Act as incorporated by reference in Public Law 100-460, that all funds appropriated to carry out the purposes of the Lower Mississippi Delta Development Act shall be available for obligation and expenditure through September 30, 1990, or the date of expiration of the Commission, which ever shall occur first, and that notwithstanding section 10(a) of the Delta Development Act, the date for the submission of the Commission's interim report is extended to October 16, 1989: Provided further*, That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than $622,050,000 nor more than $933,075,000; and rural telephone loans, not less than $239,250,000 nor more than $311,025,000; to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1989 total commitments to guarantee loans pursuant to section 306 shall be not less than $933,075,000 nor more than $2,100,615,000 of contingent liability for total loan principal: *Provided further*, That as a condition of approval of insured electric loans during fiscal year 1990, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982: *Provided further*, That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds: *Provided further, That, in addition to the authorized amounts provided for insured electric and telephone loans and to the extent of available applications therefor, carryover amounts from prior years' unobligated loan authorizations shall be obligated by the Administrator of the Rural Electrification Administration during fiscal year 1990 as necessary to approve insured loans without regard to nonstatutory quotas or other restrictions which may be sought to be imposed by or within the executive branch of the Federal Government.*

REIMBURSEMENT TO THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND

For an additional amount to reimburse the rural electrification and telephone revolving fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), $244,100,000.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, $28,710,000, to remain available until expended (7 U.S.C. 901-950(b)).

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than $177,045,000 nor more than $210,540,000.

RURAL COMMUNICATION DEVELOPMENT FUND

To reimburse the Rural Communication Development Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in making Community Antenna Television loans and loan guarantees under sections 306 and 310B of the Consolidated Farm and Rural Development Act, as amended, $1,329,000.

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For grants and loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $11,357,000, to remain available until extended: Provided, That this amount will be in addition to any amounts generated by the interest differential on voluntary cushion of credit payments made by REA borrowers.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, $194,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1990, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, $31,124,000: *Provided*, That none of the funds in this Act may be used to authorize the transfer of funds to this account from the Rural Telephone Bank: *Provided further, That not less than $1,000,000 of this ap-*

propriation shall be expended to provide community and economic development technical assistance by Rural Electrification Administration employees to rural electric and telephone systems, and that such technical assistance program be made available within ninety days of enactment.

CONSERVATION

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, [$422,000] *$467,000.*

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $481,000,000, of which not less than $5,494,000 is for snow survey and water forecasting and not less than $7,234,000 is for operation and establishment of the plant materials centers: *Provided,* That of the foregoing amounts not less than [$370,000,000] *$355,000,000* is for personnel compensation and benefits: *Provided further,* That except for $1,841,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further,* That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further,* That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f), in demonstration projects: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2): *Provided further,* That none of the funds in this Act shall be used for the purpose of consolidating equipment, personnel, or services of the Soil Conservation Service's national technical centers in Portland, Oregon; Lincoln, Nebraska; Chester, Pennsylvania; and Fort Worth, Texas, into a single national technical center.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006-1009), [$12,533,000] *$12,051,000*: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), [$8,997,000] *$8,651,000*: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, $182,373,000 (of which [$27,271,000] *$26,271,000* shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed [$15,000,000] *$20,000,000* shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That [$7,949,000] *$3,755,000* in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further,* That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), $27,620,000: *Provided,* That [$1,207,000] *$600,000* in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), [$20,474,000] *$21,293,000,* to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q, and sections 1001-1004, 1006-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1504, 1506-1508, and 1510)), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $184,935,000, to remain available until expended (16 U.S.C. 590o) for agreements, excluding administration but including technical assistance and related expenses, except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided,* That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further,* That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further,* That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pol-

lution abatement benefits: *Provided further,* That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further,* That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further,* That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), $12,371,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), $10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $10,420,000, to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county committees, approved by the State committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided,* That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further,* That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), $1,010,978,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided,* That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

TITLE III—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, $412,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1788-1789); [$4,869,804,000] *$4,872,044,000,* to remain available through September 30, 1991, of which [$713,250,000] *$715,490,000* is hereby appropriated and $4,156,554,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided,* That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further,* That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further,* That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further,* That up to $3,600,000 shall be available for independent verification of school food service claims: *Provided further, That $500,000 shall be available to establish the Food Service Management Institute.*

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $20,449,000, to remain available through September 30, 1991. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $2,126,000,000, to remain available through September 30, 1991, of which up to [$2,000,000] *$2,800,000* may be used to carry out the farmer's market coupon demonstration project.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $65,028,000: *Provided,* That funds provided herein shall remain available through September 30, 1991: *Provided further,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2028, 2029), [$14,200,235,000] *$15,400,235,000:* *Provided,* That funds provided herein shall

remain available through September 30, 1990, in accordance with section 18(a) of the Food Stamp Act: *Provided further,* That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further,* That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further,* That $345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further,* That $936,750,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which not to exceed [$10,825,000] *$12,825,000* is available for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $206,510,000.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $40,000,000.

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Temporary Emergency Food Assistance Act of 1983, as amended, $50,000,000: *Provided,* That, in accordance with section 202 of Public Law 98-92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Temporary Emergency Food Assistance Act of 1983, as amended by section 104 of the Hunger Prevention Act of 1988, $120,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $93,026,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, $9,145,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $110,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), [$98,787,000] *$106,270,000*: *Provided,* That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

AGRICULTURAL TRADE MISSIONS

For necessary expenses for agricultural aid and trade missions as authorized by Public Law 100-202, $200,000.

PUBLIC LAW 480

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, or for convertible foreign currency for use under 7 U.S.C. 1708, and for furnishing commodities to carry out the Food for Progress Act of 1985, not more than [$860,900,000] *$878,055,000,* of which [$309,845,000] *$327,000,000* is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales, carryover balances and commodities made available from the inventories of the Commodity Credit Corporation by the Secretary of Agriculture pursuant to sections 102 and 403(b) of said Act, and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than [$682,100,000] *$665,000,000,* of which [$682,100,000] *$665,000,000* is hereby appropriated: *Provided,* That not to exceed 10 per centum of the funds made available to carry out any title to this paragraph may be used to carry out any other title of this paragraph.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), [$4,376,000] *$6,725,000*: *Provided,* That not to exceed $3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further,* That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further,* That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1), (3)), [$750,000] *$1,000,000*: *Provided,* That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further,* That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further,* That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

TITLE V—RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; [$550,171,000] *$581,871,000*: *Provided,* That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further, That this appropriation shall be available to employ persons or organizations, on a temporary basis, by contract or otherwise without regard to chapter 51 and subchapter III of chapter 53, and section 2105(a) of chapter 21 of title 5, United States Code*: *Provided further,* That of the sums provided herein, not to exceed $2,000,000 shall remain available until expended, and shall become available only to the extent necessary to meet unanticipated costs of emergency activities not provided for in budget estimates and after maximum absorption of such costs within the remainder of the account has been achieved.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Food and Drug Administration, where not otherwise provided, [$6,950,000] *$12,250,000.*

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $25,612,000: *Provided,* That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued in fiscal year 1990, as authorized, [$88,000,000] *$93,000,000: Provided,* That not to exceed $2,206,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further,* That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $37,691,000, including not to exceed $700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

Not to exceed $36,120,000 (from assessments collected from farm credit system institutions and the Federal Agricultural Mortgage Corporation), shall be available for administrative expenses as authorized under 12 U.S.C. 2249, of which not to exceed $1,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 602. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1990 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 514 passenger motor vehicles, of which 508 shall be for replacement only, and for the hire of such vehicles.

SEC. 603. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

SEC. 604. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 605. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 606. Advances of money to chiefs of field parties from any appropriation in this Act for the Department of Agriculture may be made by authority of the Secretary of Agriculture.

SEC. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided,* That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Public Law 480; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Colorado River Basin Salinity Control Program; Animal and Plant Health Inspection Service, $4,500,000 for the contingency fund to meet emergency conditions, *$5,000,000 for the Grasshopper and Mormon Cricket Control Programs,* and buildings and facilities; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; Agricultural Research Service, buildings and facilities, and up to $10,000,000 of funds made available for construction at the Beltsville Agricultural Research Center; Cooperative State Research Service, buildings and facilities; Scientific Activities Overseas (Foreign Currency Program); Dairy Indemnity Program; $2,852,000 for higher education training grants under section 1417(a)(3)(B) of Public Law 95-113, as amended (7 U.S.C. 3152(a)(3)(B)); and buildings and facilities, Food and Drug Administration.

SEC. 609. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 610. Not to exceed $50,000 of the appropriation available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 611. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

SEC. 612. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 613. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 614. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 65 per centum of the value of the loans closed during the fiscal year.

SEC. 616. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 617. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 618. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 619. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 620. During fiscal year 1990, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guar-

antee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

SEC. 621. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1989 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 622. In fiscal year 1990, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 623. Funds provided by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

SEC. 624. None of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

SEC. 625. Provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

SEC. 626. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, [7,400] *7,500*; Farmers Home Administration, 12,675; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 627. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

SEC. 628. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 629. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 630. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 631. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 632. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. *Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1990 shall be first offered to the borrowers for prepayment.*

SEC. 633. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a targeted export assistance program under section 1124 of the Food Security Act of 1985 if the aggregate amount of funds and/or commodities under such program exceeds $200,000,000.

[SEC. 634. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out an export enhancement program (estimated to be $1,000,000,000 in the President's fiscal year 1990 Budget Request (H. Doc. 101-4)) if the aggregate amount of funds and/or commodities under such program exceeds $770,000,000.]

SEC. 634. None of the funds available in this Act for the Special Supplemental Food Program for Women, Infants, and Children (WIC) may be used by a State if that State has not examined the feasibility of implementing cost containment procedures described in section 3 of the Commodity Distribution Reform Act and WIC Amendments of 1988 (7 U.S.C. 612c note) (including infant formula rebates) for acquiring infant formula and, where practicable, other foods that are necessary to carry out such program, and if the State has determined that such a procedure would lower costs and enable more eligible persons to be served (without interference with the delivery of nutritious foods to recipients) and has not initiated action to implement such procedures. The Secretary may extend the effective date of implementation on a case-by-case basis where necessary.

SEC. 635. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

[SEC. 636. In fiscal year 1990, section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law, and such purchases shall be used to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries.]

SEC. 636. In fiscal years 1990 and 1991, $40,000,000 of section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law, such purchases to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries: Provided, That these funds shall be in addition to funds made available for this purpose by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460).

SEC. 637. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 638. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

SEC. 639. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 25 per centum of total direct costs under each award.

SEC. 640. Within 30 days of the enactment of this section the Secretary of Agriculture may establish and operate a program for fiscal year 1990 as follows:

(a) The Secretary shall make available to sugar refiners, operators and processors commodities acquired by the Commodity Credit Corporation at such levels as the Secretary determines necessary to permit such refiners, operators or processors to purchase in the amounts specified below raw sugar grown in the Republic of the Philippines and countries designated as beneficiary countries pursuant to section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) at prices equivalent to the market price for raw cane sugar in the United States on the condition that an equivalent amount of sugar refined in the United States is exported to world markets within 60 days. The Secretary shall make such commodities available on the basis of competitive bids and shall have discretion to accept or reject bids under such criteria as the Secretary determines appropriate. Generic certificates shall be issued in lieu of commodities acquired by the Commodity Credit Corporation under the program established under this section.

(b) The Secretary shall make available sufficient commodities to permit the importation of no less than 290,000 sort tons of sugar, raw value, from the beneficiary countries specified in subsection (a), and no less than 110,000 short tons of sugar, raw value, from the Republic of the Philippines. Sugar imported under the program authorized under this section shall be in addition to any sugar quota level established for the countries specified in subsection (a) pursuant to headnote 3 of schedule 1, part 10, subpart A of the Tariff Schedules of the United States (9 U.S.C. 1202).

(c) In order to maximize the number of competing bidders, the Secretary shall, in determining the low bidders in the program

established under this section, make appropriate adjustments in bids received from sugar refiners, operators and processors to reflect differing transportation costs based on refinery and factory location.

(d) The program authorized under this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

(e) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(f) Nothing in this section shall be deemed to increase the appropriation for any program administered by the United States Department of Agriculture.

This Act may be cited as the "Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990".

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Mr. BURDICK addressed the Chair.

The PRESIDENT pro tempore. The Senate will be in order. Staff will please take their seats.

The senior Senator from North Dakota [Mr. BURDICK] is recognized.

Mr. BURDICK. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded, for the purpose of amendments, as original text, provided that no point of order shall be waived by reason of the agreement to this request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. It is so ordered.

The committee amendments were agreed to en bloc.

Mr. BURDICK. Mr. President, today we take up the agriculture appropriations bill. I would like to summarize the bill briefly for my colleagues before considering any amendments Senators may have.

For research, extension, and pest control, the bill restores many special projects proposed for elimination by the President, and provides increases

for particular emphasis in several areas such as water quality, human nutrition, brucellosis, pseudorabies, boll weevil, scrapie, and the Russian wheat aphid.

Direction and added emphasis are placed on domestic marketing programs, as well as continuation of various export enhancement programs and Public Law 480, which are largely responsible for our country's positive agricultural trade balance.

For conservation programs, the bill increases the traditional programs that the President proposed to cut, and provides for the continuation of the Conservation Reserve Program.

Rural development is given key emphasis in the bill in several accounts administered by the Farmers Home Administration and the Rural Electrification Administration. Overall, the bill contains an increase of $266 million over 1989 for rural development programs.

The bill also contains a $100 million increase over last year for rural housing programs.

Under REA, the subcommittee restores insured and guaranteed electric and telephone loans to their 1989 levels.

Domestic food assistance programs are also a priority in the bill. Based on current estimates of need, the Food Stamp Program is increased by $1.2 billion over the President's budget. Funding for commodity distributions under the Temporary Emergency Food Assistance Program is restored. The WIC Program is increased by $196 million over the 1989 level, and the Commodity Supplemental Food Program is increased by $15 million over last year.

For the Food and Drug Administration, the bill restores the $100 million in funds assumed by the administration through user fees and has added $82 million over the 1989 appropriations for the agency.

In summary, the subcommittee bill proposes to spend $44,253,000,000. We are just within our allocation for discretionary spending.

I commend the bill to my colleagues and recommend that it be accepted.

Finally, Mr. President, I want to thank the ranking member of the subcommittee, Senator COCHRAN, for his help and advice in writing this bill. We have worked very well together and I just want him to know how much I appreciate his help.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The Senior Senator from Mississippi [Mr. COCHRAN] is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from North Dakota for his compliment, and also for his cooperation and leadership in the development of this appropriations bill to fund the activities of the Department of Agriculture and related agencies for the fiscal year beginning October 1 of this year.

This bill has been the subject of very careful work by the members of the subcommittee. We had numerous hearings to review the President's requests for the Department of Agriculture and all the programs administered by the Department, getting information from a wide range of witnesses, including those served by many of the programs funded in this bill and those involved in production agriculture where we are trying to maintain competitiveness in the international marketplace for commodities produced on America's farms and ranches.

I think there is a success story, Mr. President, that should be told about American agriculture. Not so long ago, when we were seeing such widespread economic distress on farms and ranches around America, there was some concern that no amount of Federal assistance or farm programs could improve the situation and provide profits and economic well-being for farmers.

That is turning around. We are seeing economic health restored to America's farms and substantial increases in our agricultural exports, not only in total volume but also in the value of what we are selling.

I think the last figure I saw indicated that we sold $26 billion in agricultural commodities last year. Those numbers continue to increase. As a matter of fact, in March I recall seeing that we sold $4 billion worth of American farm commodities and food products in overseas markets. That is the fourth highest monthly total in the history of our country. That was in March of this year.

So we are making progress, partly because of the programs and initiatives that Congress in its wisdom has authorized and that are funded in this appropriations bill.

The appropriations bill for rural development, agriculture, and related agencies for fiscal year 1990, H.R. 2883, provides funding for a wide range of Federal programs, including research, conservation, lending, price support, export promotion, and nutrition programs administered by the Department of Agriculture. It also funds the Food and Drug Administration, the Commodity Futures Trading Commission, the Department of the Treasury for interest expenses incurred by the Farm Credit System Financial Assistance Corporation, and establishes limitations on the administrative expenses of the Farm Credit Administration and the Farm Credit Assistance Board.

H.R. 2883 was passed by the House of Representatives on Tuesday, July 18, 1989; was marked up by the Agriculture Appropriations Subcommittee last Thursday, July 20, and reported by the full Senate Appropriations Committee Tuesday, July 25. The report accompanying this bill is Senate Report No. 101-84.

As reported by the Appropriations Committee, the rural development, agriculture bill includes $44.3 billion in total budget authority [BA] and $27.2 billion in outlays for fiscal year 1990. This is $2.5 billion less in budget authority than was made available in the 1989 bill. After adjustments by the Congressional Budget Office [CBO], the bill reflects $35.9 billion in spending authority and $19.7 billion in outlays for mandatory programs and $8.892 billion in budget authority and $8.88 billion in outlays for discretionary programs. All of this is to say that the bill is consistent with the bipartisan budget agreement and with the 302(b) allocation for discretionary spending.

AGRICULTURAL PROGRAMS

A key element in the success of U.S. agriculture is the support it has enjoyed from both private and public research funding. I believe this bill proposes a comprehensive, geographically broad-based, well-funded research program for agriculture and technology transfer needs. In fact, approximately $1.4 billion of this bill is specifically directed to the activities of the Agricultural Research Service, the Cooperative State Research Service, Extension Service, and the National Agriculture Library.

The conservation programs of USDA are critical to improving and conserving our soil and water resource quantity and quality, improving agriculture, and reducing damage caused by floods and sedimentation. This bill supports continuation of the existing cost-share conservation programs, as well as the Conservation Reserve Program [CRP]. In fact, the committee reiterates its strong support of the CRP and urges the Department "to encourage further enrollment in the program."

Commodity price support programs are financed through the Commodity Credit Corporation [CCC]. The CCC borrows funds from the U.S. Treasury and repays these borrowings with interest from receipts and from appropriations provided by Congress. The CCC's outstanding borrowings from the Treasury may not exceed $30 billion. In order to reimburse the CCC for net realized losses, the bill provides $4.8 billion, which is the amount supported by the administration.

Through various programs the committee has also attempted to strengthen U.S. agriculture's potential in world markets. It is convinced that continued efforts to expand agricultural markets overseas are critical to a healthy domestic farm economy. Reflected in this bill is the committee's continued support of the intermediate- and short-term export credit guaran-

tee programs, the Export Enhancement Program [EEP] and the Targeted Export Assistance [TEA] Program.

RURAL DEVELOPMENT

Mr. President, I am pleased to report that increased attention to rural development has been emphasized in this bill. Over the years, programs have been developed to help meet important needs in rural areas, including transportation, water, credit, housing and electricity. Many of these programs have been very beneficial and have improved the lives of those who live in our Nation's small towns and rural communities. Specifically, the bill provides an increase in the rural housing programs administered by the Farmers Home Administration; increases the levels available for the water and sewer loan and grant programs; increases the amount for the rural development loan fund, a program that makes loans to intermediary borrowers—that is, small investment groups—who in turn relend the funds to rural businesses, community development corporations, private nonprofit organizations, or public agencies for the purpose of improving the economy in rural areas; and provides a substantial increase in the rural economic development subaccount which is administered by the Rural Electrification Administration [REA].

I believe that it is important for us to focus attention on policies that can help assure a healthy rural America. The committee has done this by supporting and funding our existing programs.

NUTRITION PROGRAMS

Through its nutrition assistance programs, USDA's Food and Nutrition Service provides various forms of food assistance. The committee has fully funded the Food Stamp Program; the Child Nutrition Programs which include the school lunch and school breakfast programs, summer food service program, child care food program, and nutrition education and training; and the Temporary Emergency Food Assistance Program [TEFAP].

There is an increase of $197 million over the current level for the Special Supplemental Food Program for Women, Infants and Children [WIC], for a total appropriation of $2.126 billion. For the past 10 years, the WIC Program has received consistent support from the Congress by providing steady and significant increases in the appropriations—from $596.5 million in 1979 to $2.126 billion in 1990. As a result, average monthly participation in January of this year was 3.9 million, and it is estimated that almost 70 percent of all those eligible pregnant mothers, infants, and children ages 1 through 5 below 100 percent of poverty will be served by the WIC program in fiscal year 1990.

FOOD AND DRUG ADMINISTRATION

In recent years, the Food and Drug Administration has had difficulty meeting the growing demands that have been placed upon it. Major strains on its personnel, equipment and facilities have resulted. The committee is aware of these problems and responded by providing a substantial increase in FDA's funding level, so that it will be able to carry out its mission of ensuring the safety of foods and the safety and efficacy of drugs, medical devices and biologics. Also, the bill rejects the proposal to fund ongoing FDA activities through user fee collections on product approvals regulated by law and restores $100 million to the 1990 appropriations.

ADMINISTRATION'S POSITION

The administration supports the committee's full implementation of the President's initiative to reduce groundwater and surface water pollution from agriculture sources; the provision of sufficient funding to continue USDA's Federal Review initiative which is critical to reducing school meal overclaims; and the inclusion of the requested AIDS funding for the Food and Drug Administration.

However, the administration has expressed several valid concerns with regard to this bill. They range from "excessive discretionary funding" to a "disregard for the President's loan program reforms." These are objections that will be addressed in conference, along with the other differences between the House and Senate versions of this appropriation bill.

Mr. President, I believe the Appropriations Committee has produced a rural development, agriculture appropriations bill that deserves the support of the Senate. I recommend it to my colleagues.

For the information of Senators, I want to point out a few provisions I think are very important and I know Senators are interested in. For example, a key element in the success of U.S. agriculture is the support it has enjoyed from both private and public research funding. I believe this bill proposes a comprehensive, geographically broad-based and well-funded research program for agriculture and technology transfer needs. In fact, approximately $1.4 billion of this bill is specifically directed to activities of the Agricultural Research Service, the Cooperative State Research Service, Extension Service, and the National Agriculture Library.

The conservation programs of the Department of Agriculture are critical to improving and conserving our soil and water resource quantity and quality and to reducing damage caused by floods and sedimentation. This bill supports continuation of the existing cost-share conservation programs as well as the conservation research program. In fact, the committee reiterates its strong support of the CRP and urges the Department to encourage further enrollment in the program.

Commodity price support programs are financed through the Commodity Credit Corporation.

The CCC borrows funds from the U.S. Treasury and repays them with interest from receipts and from appropriations provided by Congress. This borrowing from the Treasury may not exceed $30 billion. In order to reimburse the CCC for net realized losses, the bill provides $4.8 billion, the amount supported by the administration.

The committee has also attempted to strengthen U.S. agriculture's potential in world markets. It is convinced that continued efforts to expand agricultural markets overseas are critical to a healthy domestic farm economy. Reflected in this bill is the committee's continued support of the intermediate- and short-term export credit guarantee programs, the export enhancement program, and the targeted export assistance program.

Mr. President, I am pleased to report that increased attention to rural development has been emphasized in this bill. Over the years, programs have been developed to help meet important needs in rural areas such as transportation, water, credit, housing, and electricity. Many of these programs have been very beneficial and have improved the lives of those who live in our Nation's small towns and rural communities.

Specifically, the bill provides an increase in the rural housing programs administered by the Farmers Home Administration; increases the levels available for the water and sewer loan and grant programs; increases the amount for the rural development loan fund, a program providing loans to intermediary borrowers, small investment groups, who in turn relend the funds to rural businesses, community development corporations, private nonprofit or public agencies for the purpose of improving the economy of rural areas; and provides a substantial increase in the rural economic development subaccount which is administered by the Rural Electrification Administration.

I believe it is important that we focus on policies that can help assure a healthy rural America. The committee has done this by supporting and funding our existing programs. Through its nutrition assistance programs, the Department of Agriculture's food and nutrition service provides various forms of food assistance. The committee has fully funded the Food Stamp Program; the child nutrition programs, which includes the school lunch and school breakfast programs, Summer Food Service Program, Child Care Food Program, and

nutrition education and training; and the Temporary Emergency Food Assistance Program. There is an increase of $197 million over the current level for the special supplemental food program for women, infants, and children.

Mr. President, the administration supports the committee's full implementation of the President's initiative to reduce ground water and surface water pollution from agriculture sources; the provision of sufficient funding to continue the Department of Agriculture's Federal review initiative, which is critical to reducing school meal overclaims; and the inclusion of the requested AIDS funding for the Food and Drug Administration.

There have been some valid concerns expressed by the administration regarding this bill, specifically, a disregard for the President's loan program reforms. These are objections that will be addressed in conference, along with other differences between the House and Senate versions of this appropriations bill.

Mr. President, I believe the Appropriations Committee has produced a rural development agriculture appropriations bill that deserves the support of the Senate. I recommend it to my colleagues.

The PRESIDENT pro tempore. The Senator from Arkansas.

BIOTECHNOLOGY DEMONSTRATION PROJECT AT NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Mr. BUMPERS. Mr. President, I rise to express my strong support for H.R. 2883, the fiscal year 1990 agriculture, rural development, and related agencies appropriation bill, which provides $2.5 million for a biotechnology demonstration project at the National Center for Toxicological Research. This demonstration project, called the National Biotechnology Cooperative, is the brainchild of a number of forward-thinking individuals and organizations who are concerned about the U.S. position as a world leader in the biotechnology field but convinced that the private and public sectors can cooperate to protect the United States as the biotechnology leader. I want to thank the chairman of the subcommittee and his staff for recognizing the importance of this project.

If the United States is to remain the world leader in biotechnology and harness the power of biotechnology for breakthroughs in food production, drug development, toxic waste disposal, and other areas, all barriers to biotechnology research and development must be removed. Experts in the biotechnology field have identified a number of barriers to the continued success of the biotechnology industry, including the lack of capital for research, an absence of focus on product application, burdensome regulations, inadequate training opportunities in biotechnology, and an adversarial culture among researchers. The Federal Government can play a key role in removing these barriers and encouraging private and public sector cooperation in biotechnology. The investment need not be large, just wisely placed. Individuals in Arkansas and at the Food and Drug Administration have fashioned a private-public sector cooperative project that helps define the Federal role in biotechnology.

The National Biotechnology Cooperative will be located at the National Center for Toxicological Research in Jefferson, AR. The NCTR is a Federal laboratory, operated by the Food and Drug Administration, which includes 400,000 square feet of high-level containment space that is sitting idle. We propose to use that space as a biotechnology research center that would be available to organizations unable to finance the construction of expensive space required for containment of biotechnology products and the purchase of equipment required for state-of-the-art biotechnology investigation and to organizations that want to collaborate with government, academic, and industry scientists to stimulate new research initiatives. I believe the Biotechnology Cooperative is the ideal research site for researchers with a great idea but little money or a great research result but no knowledge of how to turn it into a product.

The Senate Appropriations Committee adopted language I proposed in fiscal year 1989 directing the Food and Drug Administration to spend $500,000, to be matched by $500,000 in Arkansas State funds, on a study to determine the feasibility of a biotechnology cooperative. All the experts I have consulted have made it very clear that the cooperative is not only feasible but essential. Nevertheless, the feasibility study was necessary. A funny thing happened on the way to the feasibility study when the Office of Management and Budget prohibited the FDA from spending the funds Congress provided. I have been battling the OMB for months, and I am pleased to report that the necessary funds have finally been released for the feasibility study. This belated action means that additional funds—$2.5 million—will be needed in fiscal year 1990 for architectural and engineering studies for the project. I am pleased that the Senate, in providing such funds, has concurred with me regarding the need for this outstanding project.

Mr. President, I congratulate the Senate for moving forward on this project and salute the citizens of my State who have stood by this project for years.

GEOGRAPHIC DISTRIBUTION OF COMPETITIVE RESEARCH GRANTS

Mr. HEFLIN. Mr. President, I rise to express my concern over the current geographical distribution of competitive research grants awarded by the Federal Government. I understand that under the current distribution, only five States receive more than 50 percent of all the Federal research dollars, while the bottom 16 States receive less than 2 percent of the total.

I am aware that this is not the case with the Department of Agriculture, which distributes the greater part of its research funding on a formula basis to land-grant institutions in every State in the Nation. However, the Department also operates a competitive grants program where the distribution is similar to the concentrated pattern found in other Federal science programs.

It is my hope, therefore, that you would encourage the Department to consider taking steps to achieve a wider distribution of its competitive grant support. In this regard, I would like to call to your attention a small pilot program within the National Science Foundation; this program, the Experimental Program to Stimulate Competitive Research [EPSCoR] has proven successful in improving the ability of research universities in States that receive comparatively less competitive research support to compete for increased amounts of such support. I know that EPSCoR has been successful in this undertaking because I have seen it accomplish this goal in my own State.

Mr. BURDICK. I appreciate my good friend, the senior Senator from Alabama, bringing this matter to my attention. As it happens, I am also very familiar with the EPSCoR Program, which has been operating for some time in North Dakota, where it also has been successful in aiding our universities in the competition for research grants. I agree that the Department of Agriculture would do well to examine this program closely to see if it has potential to broaden involvement in its own competitive grants program.

Mr. HEFLIN. I appreciate my good friend's response. To move this matter forward, I would ask that he consider proposing in conference that the Department of Agriculture be directed to submit a report to the Appropriation Committees by January 1, 1990, which would provide the following information:

First, a geographic breakdown of the Department's competitive grant awards for the period 1984-89;

Second, an estimate of the potential for increasing the diversity of this funding pattern through a coordinated effort between the Department and the State EPSCoR committees which

have been established in each EPSCoR State; and

Third, an analysis of the potential for such a coordinated effort to improve the research and science education base in the States with an EPSCoR committee through a coordinated Federal effort involving the major Federal departments, including Agriculture, that provide significant university-based funding.

Mr. BURDICK. I think that the Senator's idea of asking the Department for a report along these lines is an excellent one and it will be my intention to work with my colleagues on the committee and with our counterparts in the other body to see that this is accomplished.

Mr. President, the bill is now open for amendment. If there are none at this point, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. 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 (Mr. BURDICK). Without objection, it is so ordered.

Mr. BYRD. Mr. President, H.R. 2883, the Agriculture appropriation bill for fiscal year 1990, provides total obligational authority of $44,253,046,000. The bill as reported by the Appropriations Committee is within its 302(b) allocation, while addressing the needs of America's farmers and other critical programs for the Nation's neediest citizens, including food stamps, child nutrition, and WIC.

I want to commend the chairman of the Agriculture Subcommittee, Senator BURDICK, for his excellent work on this bill. It is very difficult, with the budgetary constraints that the subcommittee has, to report a bill that meets all of the critical needs under the subcommittee's jurisdiction. Notwithstanding that difficulty, Senator BURDICK and Senator COCHRAN, the very able ranking Republican member of the Agriculture Subcommittee, reported a bill out of subcommittee that was adopted by the full Appropriations Committee with only two noncontroversial amendments.

This is a good bill. It is within its budgetary allocation and deserves the support of the Senate. Again, I congratulate the chairman and the ranking member.

I urge all Senators, if they have amendments, to come to the floor and offer them. We passed the Interior appropriation bill last evening. I am hopeful that we can complete action on the Agriculture appropriation bill expeditiously and then proceed with the energy and water development appropriation bill.

Thank you, Mr. President.

I yield the floor.

Mr. COCHRAN. Mr. President, let me thank the distinguished chairman of the full Committee on Appropriations, Senator BYRD, for his leadership and assistance to our subcommittee in getting this bill before the full committee and in bringing it to the floor expeditiously. That has been a very important contribution to the consideration of this bill in a timely way. I want to express my personal appreciation for his leadership and good assistance.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Mississippi [Mr. COCHRAN]. On that note, may I also thank the distinguished majority leader and the distinguished Republican leader for their splendid cooperation in arranging the schedule so that these appropriations bills could be brought very expeditiously to the floor. They arranged that the 2-day rule and the 1-day rule would be waived, and by unanimous consent, these three bills have been brought to the floor at times which would otherwise have been delayed until perhaps next week. So the two leaders, Mr. MITCHELL and Mr. DOLE, are to be congratulated.

Again, I thank my friend from Mississippi, who is an alert and astute and effective member of the Appropriations Committee.

Again, I thank the distinguished chairman of that committee, who presently presides over this august body with a degree of dignity and skill that is so rare as a day in June.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman, the President pro tempore of the Senate.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I rise today, as I did yesterday, to offer an amendment on the U.S. Department of Agriculture appropriations bill. Yesterday was the Department of the Interior appropriations bill and, for the benefit of the distinguished Presiding Officer and the managers of this bill and the bills to come on appropriations, I must inform my colleagues that, on each of the 13 appropriations bills, I will be submitting amendments which will have the result, I hope, of capping the number of consulting dollars to the dollars that the respective Department is requesting.

For example, yesterday's amendment was zeroed in on the Department of the Interior, for fiscal year 1990, the Department of the Interior had requested some $26 million in consultants. The last time we checked, however, Mr. President, the Department of the Interior had spent, in the last fiscal year, over $47 million for private consultants and in private contracts.

This amendment would simply say to the agency: You may spend no more than you request for consultants.

In addition, Mr. President, these series of amendments, as the amendment I will offer in a moment to the Department of Agriculture bill, will require, for the first time, the departments of our Government, the agencies of the Federal system, every quarter to submit to the Congress, to the Comptroller General, a statement as to the number of contracts entered into the preceding quarter, the cost of those contracts that are being made to private contractors and private consultants, and also, Mr. President, a key feature, the department or agency's justification for those contracts and why these services contracted for in the private sector could not be performed by the civil servants in the Federal Government.

This series of amendments is very simple. They go right to the heart of some of the issues that are today being raised in the Housing and Urban Development scandals, in Operation Ill Wind of last year in the Department of Defense, and I feel very strongly, Mr. President, as I know many of my colleagues do, that these amendments for the first time will allow some sunshine into an extremely murky world of contracting to consultants in the private field. It is, as I have said on many occasions, a hidden bureaucracy. It is an unelected government. These consultants are making big dollars, in many instances, not all, because of their buddies who award these contracts.

A study that we asked the General Accounting Office to do about 2 years ago, Mr. President, indicated that probably 75 to 80 percent of these contracts that our Government enters into with these consultants are sole source. There is no competition. We are spending somewhere between $10 billion and even perhaps $20 billion for consultants. No one has ever known. And each time this Senator over the last 10 years has attempted to find out more about this practice, why we need such exorbitant amounts for these private consulting firms and private consultants, there is never an answer.

Most times, Mr. President, the agency comes and says we have to have private support. We have never disagreed with that. At least I have never disagreed with that. Some of these agencies like the Department of Agriculture, they must have expert

knowledge in some of the very complex fields in which they deal. I never denied that. I have never fought that premise. I have accepted that premise.

Simply put, this amendment, and the subsequent series of amendments to the upcoming appropriations bills, will say to the Federal agency: You need consultation? You have asked, for example, in the Department of Agriculture, $47,003,000 worth of consultants for the next fiscal year? You can spend not one penny more for consultants than what you have requested.

I think, Mr. President, it is a proper approach. It is a new approach. It is going to cause accountability, justification and reporting for the use of the consultants by the Federal system of government.

Some call them the beltway bandits; some call them, as we say, the unelected government. We have seen growth of this interest group explode in the past 20 years. We do not know why. We do not know how many dollars. We have even been working for the past decade, Mr. President, on the definition of a consultant.

We are going to resolve the definitional problem in these series of amendments by taking the OMB's own definition as established in Circular A-120. We will accept OMB's definition. That definition is accepted in this series of amendments.

But I think in every quarter the Congress of the United States, and hopefully the American taxpayer, is going to be very interested to see why billions and billions of dollars are going to private contractors to perform the basis work of the Federal employee in the Federal employee's work mission.

That is what this amendment is. That is what they will be to the next 11 appropriations bills after the Department of Agriculture's appropriations bill is completed. With that explanation of what I am going to be doing in the next several weeks, Mr. President, I also want to apologize to the President pro tempore, who is the distinguished chairman of the Appropriations Committee. He is going to have to be looking at me every time he brings up one of these bills. I do apologize.

I am in the Hastings trial and I had to leave that trial to come over and offer this amendment, but I will apologize in advance, not only for yesterday's appearance, for the next 11 appearances that I will have to make, relative to the use of consultants.

AMENDMENT NO. 427

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

The PRESIDENT pro tempore. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 427.

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

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

The amendment is as follows:

Insert at the appropriate place:

SEC. . (a) Not more than $47,003,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Agriculture.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Agriculture shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Mr. PRYOR. Mr. President, I wonder if there might be any response at this time from the managers or if it is time to urge the adoption?

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. BURDICK. I thank the Senator from Arkansas for offering his amendment. I do not object to it. I know he is concerned about responsible Federal spending, and his amendment dealing with consulting services works toward that end. I know of no objection, and we agree to the amendment on this side.

The PRESIDENT pro tempore. The senior Senator from Mississippi.

Mr. COCHRAN. The distinguished Senator from Arkansas has been working for some time to get a handle on how much money the Government is actually spending for outside consultants and whether those consultants provide benefits or harm to the process of government. He has presented an interesting proposal in this amendment. We are certainly willing, as the distinguished Senator from North Dakota has said, to accept the amendment and to take it to conference. We congratulate him on his enthusiasm in pursuing this issue here in the Senate.

Mr. PRYOR. Mr. President, I am very delighted the amendment appears to be agreed to on both sides of the aisle and, I thank my distinguished friend from North Dakota and my distinguished friend and neighbor from the State of Mississippi.

Let me close by saying this: About 11 o'clock—and it is 20 minutes until 11 right now—you will hear from the U.S. Department of Agriculture that this amendment is going to be unworkable; that it is going to cause a great deal of paperwork; that it is going to cause a tremendous amount of inconvenience at the Department of Agriculture. Every agency of government is going to oppose this concept: One, they want the flexibility; two, they want to be able to retain private contractors and private consultants at the terms that they dicate. They do not want Congress to have anything to do with it. In the past, we have had very little to do with it. So the entire Federal bureaucracy is going to oppose these amendments.

The strongest opposition to the amendments that I offered last year to most of the appropriations bills dealing with the cost of consulting services—where do you think the strongest opposition of any agency of the Federal Government came from? It came from the Department of Housing and Urban Development. So we caved in. We did not put any restrictions, or we did not put enough restrictions, and, as a result, we see a chaotic situation.

I strongly urge our colleagues—I appreciate their acceptance of the amendment—I really urge that when they go to conference with the House ultimately that they will make a strong push to keep this language in.

Mr. President, I thank my distinguished colleagues, I thank the Chair, and I urge the adoption of the amendment.

The PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 427) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have an indication there are other Senators who plan to offer amendments to the bill. I hope we can have those amendments offered in a timely fashion. Two or three other amendments may be offered. I do not see any Senators who are considering offering amendments on the floor at this time.

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

The PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered. Staff will take their seats. There will be order in the Senate.

The junior Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

While we are talking about this important reauthorization legislation for the Department of Agriculture, going through where all the funds are allocated and how they are used, I want to bring to the attention of the Senate that I think some sort of message has to be sent to the Department of Agriculture, in administering these funds, regarding a situation in the northern high plains of this country, which includes both Dakotas and Wyoming, and, of course, Montana.

We have experienced probably the most severe drought in the history of that part of the country. In fact, it is a lot drier out there as far as subsoil and topsoil moisture than way back in the devastating times of the 1930's. For the first time since we have been keeping records at the U.S. Agricultural Livestock and Range Station at Miles City, MT, we are doing a lot of work trying to assess the damage that has been caused by this severe drought. For the first time we think we have actually lost plants as far as the range grasses are concerned. That is referred to as short-grass country.

We have been in this cycle it seems for about 5 years. This last winter we did have ample rainfall and snow cover but it seems at the middle of June it went away. So we still have a desperate shortage of subsoil moisture in that part of the country.

This does not affect the crop man, although the drought does. It seems we always look at field crops such as wheat or small grains and then the field crops in the Midwest but we tend to forget the devastation that drought brings to range country and that is grass, and of course that is livestock industry, sheep and cattle in particular in the western Dakotas and Montana and Wyoming.

So I would ask that the managers of this appropriations bill include in the language going down to the Department of Agriculture that some $300,000 over and above the regular budget item for Kehoe be considered for that research. We are now in the second year of research. They are using some new technology. They are even using some space technology as far as determining the real loss on the ranges out there.

Now, plant loss means that we do not know what the carrying capacity is that we normally have experienced on that country. We know that we cannot overgraze it. That just does not make us very good stewards of the land.

So I would ask the managers on both sides of the aisle to include somewhere in this bill, language to the Department reallocating some funds to that research in Miles City.

If anyone has anything to say about that, I am willing to stand here and I guess field some questions.

Mr. COCHRAN. Mr. President, will the distinguished Senator yield.

Mr. BURNS. I will.

Mr. COCHRAN. Mr. President, it was brought to the attention of the managers that the Senators from Montana were considering offering an amendment to add a specific amount to the appropriation for the Agriculture Research Service earmarking $300,000 for this special drought research project at the Fort Kehoe Livestock and Range Research Laboratory in Miles City, MT.

We checked with the Department of Agriculture to determine its reaction to such an appropriation. We were told that virtually all of an amount of $1.7 million is being used by the Agricultural Research Service in forage and livestock research on range management problems. Before we could agree to a specific earmarking and an increase for such drought research, the managers would have to insist that a reduction in funding be identified at some other part of the bill so that we would not go over the allocation assigned to this Agriculture Appropriations Subcommittee.

That is the position the managers are in. If it would be of assistance to the Senators from Montana, Senator BURNS and Senator BAUCUS, and others who may be interested in this, I am prepared to recommend that we try to get the conferees to agree to a statement to be included on the part of the managers that this particular area of inquiry is important, and that we encourage the Agricultural Research Service to allocate adequate levels of funding for drought research to make determinations of ways to combat the effect of drought on rangeland grasses, and related problems.

I am perfectly happy to support a recommendation to a conference along that line. I do not know the reaction of the distinguished Senator from North Dakota. He comes of course from that part of the country and understands personally some of the problems that the Senator from Montana has described.

But from the point of view of this Senator, I think we should draw the attention of the Department to this problem as the Senator suggests. It is serious in its consequences. It could be devastating. We need to understand its implications and try to determine what can be done to lessen the economic hardship that drought brings to this very important part of our agriculture economy.

I hope that would be helpful to the Senator. I think he is certainly helpful to the Senate in bringing this to our attention. It obviously deserves some special attention by the Department of Agriculture. We hope they will give it their special attention. If we can get this statement of the managers included in the bill, it will be helpful in that regard.

Mr. BURDICK addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. BURDICK. The senior Senator from Montana, Mr. BAUCUS brought this matter to my attention. I am sympathetic with his concern. Mr. President, I would like to associate myself with the remarks of Senator COCHRAN on this matter. This is an important issue. We will look carefully at it in the conference committee. I understand that Fort Keogh currently receives $1.7 million at that facility. It will continue to receive that funding.

I agree with my colleague that we will look at the matter again.

Mr. BURNS. I thank the managers of this reauthorization. I appreciate that very much.

I think it is important all up and down the line. I think this research will carry over into the State of Colorado, and some of the same kind of research is going on in the western part of Nebraska. So it is important to all of us that live west of the Missouri River.

I appreciate the time, and I yield the floor, Mr. President.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me sincerely thank the Senator from Montana [Mr. BURNS] for bringing this matter to the attention of the Senate. We will endeavor to include a statement on the part of the managers on the bill. We thank him very much for his cooperation.

Mr. BURDICK addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota.

AMENDMENT NO. 429

Mr. BURDICK. I have an amendment on behalf of Senator LEAHY and Senator HARKIN which I send to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. BURDICK], for Mr. LEAHY (for himself and Mr. HARKIN), proposes an amendment numbered 429.

On page 58, line 10 strike the amount "$4,872,044,000" and insert in place thereof the amount "$4,887,494,000"; and

On line 12 strike the amount "$715,490,000" and insert in place thereof the amount "$730,940,000".

Mr. LEAHY. Mr. President, this amendment reflects programmatic changes soon to be required by the Child Nutrition Act of 1989. The additional $15,450,000 will provide needed

funding for expansion of several important nutrition efforts including summer food for poor children, school breakfasts, child care food, and homeless children food programs.

I appreciate the leadership of my colleague Mr. HARKIN on issues concerning nutrition and I thank Chairman BURDICK and the ranking member Mr. COCHRAN for their support of this critical amendment.

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

The amendment (No. 429) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, by way of explanation to the Senate, the amendment just agreed to is appropriate for adoption here today because the Committee on Agriculture is bringing to the floor a bill which will reauthorize and mandate the expenditure of additional funds in the child nutrition program. Those funds will be needed next fiscal year after this authorization bill becomes law.

What we are doing today is making this appropriation consistent with that new authorization level for those nutrition programs. The Committee on Agriculture had been scheduled to have a markup session this afternoon, but because of an agreement that has been worked out on that legislation, we understand that bill will be brought directly to the floor.

We have checked with the members of the legislative committee on this side of the aisle and the distinguished Senator from Indiana [Mr. LUGAR], the ranking Republican member, and no objection has been raised to the inclusion of the extra $15,450,000 which is the subject of this amendment.

We therefore join the distinguished chairman of the committee in supporting the amendment. We hope that explains the purpose of having to include this amendment at this time.

Mr. BURDICK. Mr. President, my colleague has outlined the situation correctly.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I want to express my support for several important provisions that are included in this bill.

First, I am very pleased that the legislation includes funding for research on blueberries and cranberries. Specifically, it includes a $260,000 special research grant under the Cooperative State Research Service. In addition, it includes over $635,000 in funding for blueberry/cranberry research in New Jersey through the Agricultural Research Service, a $70,000 increase over the 1989 budget request.

Mr. President, the blueberry and cranberry industries are important to the economies of several States, including New Jersey. There are about 8,500 blueberry growers and about 1,100 cranberry growers in New Jersey, Massachusetts, Maine, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Arkansas, Michigan, Wisconsin, Oregon, and Washington. The farm value of blueberries and cranberries in the United States has been estimated at $350 million.

The blueberry and cranberry industries have a variety of problems for which research is necessary. In particular, there is a real need to develop insect and disease-resistant varieties of berries and to find improved biological control technologies for insect and disease pests.

Last year, President Reagan ridiculed funding for blueberry and cranberry research in his State of the Union address and threatened to cut off funding. In response, Senator BRADLEY and I wrote the President to protest this unwarranted attack, and to urge him not to seek a rescission of these funds. In the end, I am happy to report, we won, and funding was maintained.

Mr. President, blueberry and cranberry farmers do not get lavish Federal handouts. They do not get paid to not plant crops. They do not get the same welfare-like payments that all too often are going to large, profitable agribusinesses. Instead of relying on taxpayer subsidies, blueberry and cranberry producers have to compete in the free market, just like most small businesses. That is as it should be.

Mr. President, this funding is for science, not subsidized handouts. And it will benefit not just the blueberry and cranberry industries, but all consumers who enjoy these delicious agricultural products.

Mr. President, let me turn to some of the other items in the bill. I am a strong supporter of the Cooperative Extension Service, and am pleased that many of its important programs will be funded in this bill. In particular, I have supported the Food and Nutrition Education Program and the Renewable Resources Program, both of which are maintained at fiscal year 1989 levels under this bill.

I am disappointed, however, at the lack of new funding for two other Extension Service programs that I have supported, the Urban Gardening Program and the Farm Safety Program. Over 3,500 city dwellers participating in the Urban Gardening Program have cultivated over 25 acres of urban land in New Jersey into productive vegetable gardens. I have visited these gardens and seen myself the tremendous benefits that they provide to residents. This is a good program, and I am hopeful that funding can be found in conference.

The Farm Safety Program also deserves support. Farming is the third most hazardous occupation in the Nation, and the Farm Safety Program saves lives every year through safer farming.

Mr. President, I also want to express my support for the Soil Conservation Service. New Jersey is the most densely populated State in the country and its residents place heavy demands on the State's natural resource base. The SCS plays an important role in helping the State respond to these demands. So I am pleased that the conservation operations and resource conservation and development accounts would both see increases under this bill.

Mr. President, although I support research, Extension Service, and Soil Conservation Service funding, I do want to express my deep concerns about the overall level of spending on Federal agricultural programs. Providing research and technical assistance to farmers are proper Federal functions. But I am strongly opposed to the system of vast handouts that is costing taxpayers billions of dollars each year. Too much of this money is going to highly profitable businesses that simply do not need or deserve taxpayer dollars. I hope we can do something about this wasteful spending when Congress next considers legislation to reauthorize farm programs.

FIRE DISASTER ASSISTANCE

Mr. EXON. Mr. President, this agriculture appropriations bill is the result of much hard work by many of my colleagues. I know that serving on the Appropriations Committee in this era of tightening budgets grows more difficult each year and I appreciate their hard work.

This legislation provides funding for a number of projects that are important to Nebraska. In the interest of time I will not list all of them, but I do want to express my support for the $4 million made available to the University of Nebraska's Center for Advanced Technology. This center will allow Nebraska to move forward in basic research and the transfer of that research to the marketplace. My col-

league, Senator KERREY, carried the ball in committee and deserves a good deal of credit for getting this amount increased above the $2 million provided in the House bill. Hopefully, a figure closer to the Senate mark will prevail in the conference with the House.

I also want to comment on the forest and range fire that recently swept across a portion of Nebraska's Panhandle. Ranchers in the area are in desperate need of assistance. Over 120 miles of fence and a good deal of livestock watering equipment were destroyed. State and local officials have sought help on this problem through the Emergency Conservation Program. I have been working to ensure that assistance is approved as soon as possible and am glad to know that this bill allocates funds for this program next year.

Another problem is the elimination of ground cover in the White River watershed which has put the village of Crawford's water supply at risk from runoff contamination. Unfortunately, the USDA has obligated all the 1989 funding under the program which would most appropriately address this problem—the Emergency Watershed Program.

I have asked the USDA to look for other remedies. In the event the Department does not come through in this fiscal year, it is good to know that the committee added $5 million to the $15 million funding level proposed by the House. I also very much appreciate the fact that the additional $5 million provided by the Senate is earmarked for 12 States, including Nebraska, which face unusual disasters such as forest and range fires.

I appreciate the chairman's attention to the specific needs of Nebraska and thank him for all his hard work.

Mr. KASTEN. Mr. President, during subcommittee action on the Agriculture appropriations bill, I mentioned my concern about the reduction in appropriations for the Conservation Reserve Program. I worked with the chairman and ranking member and we added report language that goes as follows: "The committee continues to support strongly the CRP and urges the Department to encourage further enrollment in the program."

The most important message to send to USDA is that Congress supports the Conservation Reserve. The House Agriculture Committee's action on reconciliation sends the signal that Congress is wavering in its commitment and this is untrue. A moratorium on enrollment in the CRP would be a crippling blow at best and most likely a death blow to the program.

CRP is a key component in the strategy to remove highly erodible lands from crop production. To back off on CRP is to back away from conservation. This will be a key issue on the 1990 farm bill, and we must not send mixed messages now about Congress' intention in this area.

Again, I appreciate the assistance of Senators BURDICK and COCHRAN and their staff, Rocky Kuhn and Irma Hanneman.

THE NATIONAL GRAPE IMPORTATION FACILITY AT FOUNDATION PLANT MATERIALS SERVICE UNIVERSITY OF CALIFORNIA, DAVIS

Mr. WILSON. Mr. President, I rise today to seek the support of my colleagues in establishing a National Grape Importation Facility. Given the importance of maintaining access to foreign grape materials for domestic use, additional grape quarantine facilities are desperately needed to ensure that these products are made available while protecting against foreign pests and disease.

The benefits from foreign grape introductions are well recognized and the demand for these materials by U.S. grapegrowers is increasing. Winemakers want new grape clonal selections previously evaluated in other wine-producing regions. Table and raisin grape producers need access to new varieties developed in South America, Europe, South Africa, and Australia in order to compete with foreign fruit and raisin producers. Moreover, researchers continually need access to foreign grape materials to use as a reference to correctly identify many grape varieties and to solve disease resistance problems.

However, the importation of foreign grape material is restricted by Federal law in order to prevent entrance of harmful pathogens. Unfortunately, there is a shortage of grape importation facilities in the United States, and as a consequence, the incidence of illegal importation has been quite high. This is a serious situation because illegal importation increases the possibility of introducing harmful exotic pests and pathogens that could devastate the U.S. grape industry.

To meet the increasing demand and to curb the tide of illegal imports, new importation services are needed. I, along with many grapegrowers throughout the country, believe that the foundation plant materials service [FPMS] at the University of California at Davis [UCD] is uniquely qualified to work in this capacity.

FPMS is a self-supporting organization ideally suited to provide grape importation services because of its long established reputation for providing quality grape materials nationwide and the many advantages of the UCD location. FPMS has been maintaining foundation vineyards, keeping records on all grape materials and supplying disease-tested grape stock throughout the United States and the world since 1958. FPMS works closely with industry and university advisers, and has a reputation for being responsive to their needs. UCD and USDA scientists serving as FPMS advisors are currently conducting research to develop improved grape identification, disease detection, and disease elimination methods.

Furthermore, several advisers are qualified to hold a grape importation permit from the Animal Plant Health Inspection Service [APHIS] so Federal requirements can be satisfied on an ongoing basis. Startup training and organization for an importation program would be minimal as FPMS staff are already trained in recordkeeping, grape maintenance, material distribution, and current techniques for grape disease detection and elimination.

In addition, unique grape variety and disease collections at UCD are a valuable resource to FPMS and are unavailable at any other location. Davis has an optimum climate for grapefield disease testing and for maintaining quarantine materials. Since Davis is in close proximity to this country's major grape-producing areas, FPMS benefits from the many active industry advisers who keep the program updated on industry needs.

In short, additional grape quarantine facilities for the United States are needed immediately. FPMS is a long-established service organization with the location, trained advisers, and experience necessary to provide grape quarantine services in a timely manner. The House, in recognizing the importance of this project, has allocated $130,000 toward this facility. For these reasons, I ask that the Senate conferees be instructed to recede to the House on this matter.

Thank you, Mr. President.

CITY OF CHICAGO'S WHOLESALE FOOD INDUSTRY MARKETING SURVEY

Mr. DIXON. Mr. President, I want to take this opportunity to bring to my colleagues' attention a very important program—the U.S. Department of Agriculture's Marketing Service's survey of the city of Chicago's wholesale food industry.

In order to conduct a complete assessment of Chicago's produce and meat markets, the assistance of the USDA's market research staff is needed. The USDA's research staff is the best source of analytical skills for this type of study as they have expertise not found anywhere else in the country. They have conducted studies in other cities that have resulted in the improvement of local and regional food markets.

It is my understanding that the administration supports this study, and has made it clear that Chicago's meat and produce markets should be made a high priority for assessment.

In the House, the fiscal year 1990 agriculture and rural development appropriations bill recognized the need for the USDA's Marketing Service's survey of the city of Chicago's whole-

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sale food industry. Let me, therefore, ask my good friend, the Senator from North Dakota, if he will give careful consideration to the USDA Marketing Service's survey of the city of Chicago's wholesale food industry when this bill goes to conference.

Mr. BURDICK. Let me assure my distinguished colleague from Illinois that when this bill goes to conference, we will, indeed, give every appropriate consideration for the USDA Marketing Service's survey of the city of Chicago's wholesale food industry.

Mr. HOLLINGS. Mr. President, I would like to express my support for the increase designated in H.R. 2883, the Agriculture appropriations bill, for the Supplemental Feeding Program for Women, Infants, and Children [WIC]. The bill provides an increase of $197 million above the fiscal year 1989 level, or $118 million over the current services level. With this increase, approximately 250,000 new participants will be brought into WIC.

We often hear about the impressive cost savings associated with WIC. For every $1 invested in WIC, we save around $3 in hospital costs. In addition, we save about 50 cents in Medicaid costs during the first 45 days after birth alone.

Today I want to emphasize the human savings that are associated with WIC. Medical research tells us that WIC markedly reduces infant mortality, low birth weight, premature births, and anemia. Despite having the world's most advanced medical technology, the United States ranks 19th in the world in terms of infant mortality. And it saddens me to point out that my own State of South Carolina has just about the worst infant mortality rate in the country. WIC is one of the most effective tools that we can use to rectify these disheartening statistics.

The increase for WIC provided by H.R. 2883 builds on our commitment to the children of this Nation. Earlier this year, the Senate passed the Act for Better Child Care, and I would like to point out that WIC builds on our efforts to provide a solid start for our children during their formative years. WIC increases infant's head size, which usually corresponds to brain size and intellectual capacity. Children on the WIC Program get a healthy start in life, and this leads to a healthy start in school.

Mr. President, I would like to thank the distinguished chairman of the Agriculture Appropriations Subcommittee for his support of the WIC Program. He too recognizes the great service that WIC provides to the most vulnerable members of our society. I would also like to thank his staff, who have worked very hard to address the need to expand the WIC Program.

Mr. GORTON. Mr. President, I rise in support of the Agriculture, rural development, and related agencies appropriation bill for fiscal year 1990. This legislation provides funding for a number of important agriculture research projects and international trade centers in my State of Washington. I wish to thank the chairman and ranking minority member of the subcommittee, Senators BURDICK and COCHRAN, for the attention they and the other members of the subcommittee have given my funding requests.

I am pleased that the committee recommends continued funding for pea and lentil research at last year's level in the Pacific Northwest, which includes the cooperative efforts of Washington State University [WSU], the University of Idaho, and the USDA-ARS Insect Laboratory in Yakima, WA. In addition, the bill provides $150,000 for retaining a full-time lentil geneticist at WSU.

The bill also provides important wheat research funds. It includes an increase of $1,000,000, to be divided equally, for the four regional wheat quality labs including the Western Wheat Quality Lab in Pullman, WA. The bill also provides $300,000 for eradication of the Russian wheat aphid and an additional $250,000 for TCK Smut wheat research.

Further, the bill includes $1,277,000 for potato research, $210,000 for regional barley gene mapping, and $591,000 for soil erosion research in the Pacific Northwest.

For buildings and facilities in my State, the bill provides an additional $1,000,000 for the construction of the U.S. Fruit and Vegetable Lab at Yakima, WA, bringing the total funding to date to $2,900,000. While I would have preferred full funding needed to complete this important project, I am happy about the committee's continued commitment to providing the funds necessary to replace the existing, outdated facility with a new facility.

The bill further provides $2,000,000 for the continued construction of the WSU Food and Human Nutrition Center and $323,000 for the continued construction of the Gonzaga University Center for Information and Technology Transfer. In conference, I would encourage my colleagues to recede to the House on the funding levels included in its bill for these two important projects.

I also wish to thank the committee for funding two feasibility studies at $50,000 each, one for a Northwest Small Fruit Center and the other for a Pesticide Research Laboratory at WSU.

In the agriculture and forestry trade arena, the bill provides $1,000,000 each for the Center for International Trade in Forest Products [CINTRAFOR] at the University of Washington and the International Marketing Program for Agricultural Commodities and Trade [IMPACT] at WSU. While I supported an increase in funding for both of these international trade centers, I appreciate the demand for funding of similar projects across the country and the decision of the committee to limit funding to those that have received funding in the past without allowing for an increase.

Finally, I wish to express my concern about the bill's provision to limit the Targeted Export Assistance [TEA] program to $200 million, and my appreciation to the committee for not limiting the Export Enhancement Program [EEP]. Both programs are essential for countering the unfair trading practices of our agriculture competitors.

Mr. President, I would again like to express my strong support for this legislation and my sincere thanks to the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies.

Mr. HATCH. Mr. President, I would like to rise in strong support of the funding levels for the Food and Drug Administration contained in the pending Agriculture Appropriations bill. I would like to thank the Senator from North Dakota and the Senator from Mississippi for their mutual support of the Food and Drug Administration. Today, we will start to build the foundation for a revitalization of the Food and Drug Administration.

The Food and Drug Administration is the premier agency for ensuring the quality of foods, drugs, cosmetics, and medical devices. The have the responsibility regulating 25 percent of all consumer goods in America and make it possible for industry to make new products available while continuing to protect the safety of the American people. Everytime we sit down to a meal or take an aspirin, the FDA touches our lives. However, Mr. President, FDA's resources have been spread very thin. While recent emergencies such as the tainted Chilean grapes and tampering with over-the-counter medicines, have been handled efficiently and professionally, it is clear that FDA's resources are inadequate to respond to these imperative situations and still conduct first-rate and prompt research and review activities.

Unfortunately, we have not always provided the FDA with adequate resources to meet the challenges of the 21st century. This appropriations bill, like last year's appropriations measure, is a step in the right direction.

I am pleased to note that the committee has reported a bill that will provide FDA with adequate staff to carry out its mission. In the last 10 years, we have given the FDA 23 new laws to implement. But, FDA has 800 fewer employees today than it did 10 years ago. In real terms, that means

800 fewer employees to carry out reviews of new drugs for life threatening diseases like AIDS and repiratory distress syndrome, to review applications for new medical devices, to reclassify medical devices, and to conduct inspections to ensure that our food supply is safe. This latter function has taken on added importance with the increase of imports from countries that may not have inspection requirements as stringent as ours. The additional $78 million over the current appropriation will allow the FDA to address the immediate needs of management, equipment, and staff to perform these essential duties.

Earlier this year, I visited the FDA headquarters in Rockville, MD. This is 1 of 23 FDA buildings spread around seven sites in the Washington metropolitan area. The FDA facilities are nowhere near the level we would expect or want to have for an agency charged with testing and review of substances and devices that are on the cutting eduge of technology. Additionally, the FDA still relies on a paper intensive process while the rest of the world has advanced to high speed computers.

The Agriculture Appropriations Subcommittee continues in this bill to provide support for the development of a program of training professionals in regulatory review—which is more and more becoming a science in itself. This will assist the FDA in recruiting individuals that will bring to the job an understanding and formal training in the regulatory review process. This provision, along with the establishment of a Senior Health Scientist Service, will revitalize the FDA and enhance its ability to be more responsive in the 21st century.

Mr. President, I would like to again thank the members of the Agriculture Appropriations Committee for all of their hard work in bringing this bill to the floor in such a timely and comprehensive fashion. Also, I would like to note the contributions that have been made by the respective Appropriations Committee's staff, Debbie Dawson and Irma Hanneman. This funding has my full support and will better the public health of all Americans.

Mr. KERRY. Mr. President, I rise today in support of the agricultural appropriations bill for 1990. I would like to commend the managers of the bill for their efforts in building strong bipartisan support for this important legislation.

I am particularly pleased that the bill contains a very necessary increase in funding for the Women, Infants and Children [WIC] Program; as well as increased funding for the Farmers Market Coupon Demonstration Program, which I introduced in the last session of Congress. Both these programs provide necessary assistance to nutritionally at-risk citizens in our Nation.

Specifically, this legislation contains $2.126 billion for the WIC Program, a $118 million increase over current level of services indexed for inflation, and matches the numbers contained in the House appropriations bill.

Mr. President, the success of the WIC Program has been clearly documented, and the action of the Senate today in supporting this appropriation confirms our commitment to the nutritionally at-risk children of our Nation.

The problem is clear. The United States has one of the highest infant mortality rates of all industrialized nations. One out of every four of America's youngest children, those under the age of 6, live in poverty; and between 8 and 14 million children experience hunger at some point in the month. Mr. President, this is an outrage.

This situation is morally repulsive. It also creates enormous social costs. Poor nutrition leads directly to lower birth weights, birth defects, as well as slowed development, limited attention span, and reduced future achievement. The cost of one day of intensive care for a low birth weight infant is over $1,000; total cost for a low birth weight baby may run as high as $30,000. Slow development and reduced future achievement carry the cost of high dropout rates, increased crime, and drug abuse, and helps perpetuate the cycle of poverty.

While the WIC Program will not solve these serious social ills, it does give millions of the next generations of Americans a chance for success. Mothers receiving WIC services give birth to healthier babies. WIC mothers deliver high birth weight babies, are less likely to give birth prematurely, and have fewer complications with their pregnancy. The WIC Program, represents our first line of defense in the fight against infant mortality. Moreover, for every dollar spent on the WIC Program three dollars are saved in future health care costs.

Further, proper prenatal and nutritional care should be followed up by quality preschool education, such as Head Start, and this commitment needs to be continued with dropout prevention programs. I believe that this type of commitment to our children represents our greatest hope for breaking the cycle of poverty which plagues our Nation. However, if we fail to provide the proper nutrition and guidance at the start, the battle may be lost before the fight has begun.

I am pleased that the increased WIC funding included in this bill will enable 250,000 more pregnant women, children, and infants to receive vital nutrition and health care assistance. Mr. President, this is money well spent and an investment in the next generation of Americans. Unfortunately, this increase will not enable all those eligible to receive WIC assistance. For example, my home State of Massachusetts, the first State to use State funding to supplement the WIC Program, still only serves slightly less than half the eligible participants.

Mr. President, I am also pleased that this bill includes a $2.8 million appropriation for the Farmer's Market Coupon Demonstration Project. This program, which is operating in 10 States, including my home State of Massachusetts, assists the poor and the elderly in buying fresh, nutritious food at local farmers' markets. Evidence shows that not only are farmers' market sales up, but that because of this program, a whole new group of consumers are visiting farmers' markets.

Again I would like to commend the managers of this bill, Senator BURDICK and Senator COCHRAN. This legislation represents a step in the right direction towards assisting nutritionally at-risk Americans.

Mr. SIMON. Mr. President, I rise today to extend a special thanks to Chairman BURDICK and the Appropriations Committee for their hard work on the 1990 agriculture appropriations bill. I am very pleased to note that additional funding, over the House appropriation, was included in the Senate bill for building a National Soybean Research Laboratory on the campus of the University of Illinois.

As you know, Illinois leads the country and almost all nations in soybean production, processing, marketing, research, and development. This particular kind of research and development is very important to the State of Illinois and to the rest of the country in our attempt to capture new markets for U.S. soybean producers. The proposed National Soybean Laboratory represents an important opportunity to improve our competitiveness in international markets and to strengthen our agricultural economy. American farmers depend on our ability to compete effectively in world markets. This research facility will be a giant stride toward increasing our ability to compete, and win.

I also wish to commend the chairman for the leadership he has shown on the WIC Program. The special supplemental program for women, infants, and children is a crucial food support program that reaches millions of needy women and children each year. This program has broad, bipartisan support and has proven very effective over the years. This year, the Budget Committee, on which I serve, made increased funding for WIC a major priority of the domestic discretionary budget. I am very pleased that my colleague from North Dakota, Mr. BURDICK, and the distinguished com-

mittee chairman, Mr. BYRD, have accepted this increase in the WIC Program.

Mr. KOHL. Mr. President, I would like to express my concern over the funding levels contained in this bill for the Low-Input Sustainable Agriculture [LISA] Program and for the Department of Agriculture's water quality initiative.

In this year's budget request, the administration and the U.S. Department of Agriculture [USDA] offered up a new $40 million water quality initiative. This initiative has been touted as the Department's answer to the growing problem of agricultural chemical contamination in groundwater.

Unfortunately, the water quality initiative is shortsighted. It does not recognize the adage: An ounce of prevention is worth a pound of cure.

Helping farmers find economically viable ways to reduce their use of pesticides and fertilizers is the surest way of preventing further contamination of our groundwater supplies. Yet the water quality initiative failed to include funding for the one USDA program that is designed to do that—the LISA Program.

Mr. President, the LISA Program is a successful research and education program that provides farmers with ready-to-use information on ways to reduce their agricultural chemical use. It's goal is to get research results out to farmers as quickly as possible. It's aim is also to involve farmers—as teachers and researchers—in the research process itself.

Last year, there were many more projects submitted under the LISA Program than there was funding for. Of 431 project applications, program officials approved 86 projects for funding. Unfortunately, the price tag for all 86 projects was $17 million—almost four times more than there was available funding. Many worthwhile projects were not funded.

Some of the projects that were funded are Wisconsin-based—the Wisconsin Rural Development Center, the University of Wisconsin, and many individual farmers are involved in four LISA Program projects. In addition, the State of Wisconsin has shown its strong support for sustainable agricultural research and education generally, through the development of a statewide research program funded with oil overcharge money and a newly approved research and education program.

Many States have similar commitments to sustainable agriculture research and education. That explains in part the strong support in this body for the LISA Program. Fifteen members of the Senate Agriculture Committee, including the chairman and ranking member, signed a letter this year to Senator BURDICK, chairman of the Agriculture Appropriations Subcommittee, urging a $15 million appropriation for this program. Eleven members of the Appropriations Committee signed a similar letter.

Certainly the water quality initiative is a step in the right direction. But we need to recognize that the research programs undertaken with this initiative will take years to complete. We also need to recognize that some of the funding will be used to establish programs that will duplicate the research being done through the LISA Program. This is clearly an effort to circumvent, not strengthen, the LISA Program.

Mr. President, I recommended to the subcommittee that the LISA Program be funded at $15 million in fiscal year 1990. And I was disappointed that the subcommittee did not do so. I was prepared to offer an amendment today to increase the funding for the LISA Program by $10 million—an amendment that would have taken modest cuts from the water quality funding for the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service. I was also prepared to offer an amendment for a more modest amount. It seemed clear, however, that given the opposition of the committee and the rush to consider and complete action on this bill, there simply was not enough time to inform my colleagues about the issue and gain enough support to prevail. But there is a lot of time between now and next year.

In that time, I hope that my colleagues will give a closer look at the relationship between the Department's water quality work and the LISA Program. Given the fiscal constraints we are likely to face, funding for water quality programs must be cost effective. Increasing our commitment to the LISA Program will ensure that our Federal funds are being spent wisely.

Mr. SASSER. Mr. President, I rise to commend the chairman of the Appropriations Subcommittee on Agriculture, Senator BURDICK, for his work on H.R. 2883.

The bill before us includes an increase in 1990 of $118 million over the Congressional Budget Office [CBO] baseline for the women, infants and children [WIC] feeding program. The $2.126 billion appropriation for WIC is $197 million above the 1989 funding level.

This is a major achievement, Mr. President. This funding increase will allow an additional 230,000 low-income women and children to be served by the WIC Program.

The WIC Program is widely regarded as one of the Federal Government's most cost-effective programs in curbing infant mortality and meeting the health needs of poor mothers and children. It is a program that enjoys overwhelming bipartisan support.

Recognizing the importance of this program, the 1990 budget resolution included a major increase for WIC. The funding increase for WIC in this appropriation bill affirms the budget resolution and, in fact, provides the largest single increase for WIC in recent years.

Today, only half of eligible women and children are served by the WIC Program. Because of action by the Appropriations Committee, the percentage of those served will increase in 1990. If we continue the funding pattern set by the Appropriations Committee, we will be well on our way toward ensuring that all qualified poor mothers and children will someday benefit from this program.

So let me once again congratulate the senior Senator from North Dakota for his support for the WIC Program. Because of his work, we are moving closer toward meeting the complete health and nutritional requirement of the neediest members of our society.

Mr. CHAFEE. Mr. President, I am pleased today to wholeheartedly support the Appropriation Committee's commitment to increase funding for the Special Supplemental Women, Infants, and Children Nutritional Program [WIC]. The Agriculture appropriations bill increases funding by nearly $200 million for this critical nutritional program aimed at low-income women and children.

This year Congress has clearly recognized WIC as a priority in the budget due to its proven effectiveness in averting long-term health and developmental problems in an especially vulnerable population—poor or near poor women, infants, and children. It is clear that the WIC Program works, and deserves substantial support.

Recognizing that there is much to be gained by expanding WIC to reach more of the eligible population, many of us have, in the past several years, attempted with some success to make small but steady increases in WIC funding.

This year, however, we were able to include a substantial increase in funding of $196,638,000 over last year's level for WIC. This is the largest increase in funding WIC has received in the last 5 years, and will enable an additional 200,000 women, infants, and children nationwide to receive its services.

Senator DECONCINI and I have long championed the value of WIC both from a humanitarian point of view as well as a cost-versus-benefit point of view. Several months ago, we sent a letter—signed by 71 Senators—urging the chairman and ranking member of the Appropriations Committee and Subcommittee on Agriculture to allocate $230 million over the fiscal year 1989 WIC funding level. Although, the Committee funded WIC just $32 mil-

lion shy of what we requested, the nearly $200 million increase is substantial compared with increases in past years.

I am very appreciative of the efforts made by Senators BURDICK and COCHRAN on the Subcommittee to include this critical increase in funding for WIC. Furthermore, I commend the Appropriations Committee chairman and ranking member, Senators BYRD and HATFIELD, for their support of this increase.

In addition, I would like to thank the 71 Senators who joined us in urging the Committee to increase funding for WIC. When 73 Senators ask for an increase in funding for WIC and the Committee joins in expressing such support, there is obviously an overwhelming recognition that WIC is a worthwhile investment.

More and more, WIC is being recognized as one of the most effective Federal programs in operation. Long-range studies have shown that every $1 invested in WIC saves $3 in long-term health care costs. Unfortunately, even with this substantial increase in funding, the WIC Program still does not have enough funding to cover all the women, infants, and children who are poor and at nutritional risk. My efforts to fully fund the WIC Program will not stop here.

WIC is a Federal program that works—by increasing its funding, we have made a commitment to some of our most vulnerable citizens. We have demonstrated our support for investing in their future, and in the future of our Nation. I am hopeful that this year's support for WIC will continue in the future until we are sure that WIC is able to reach all women, infants, and children who are entitled to its services.

Mr. President, WIC saves more than it spends, and deserves every bit of support we can give it. Again, I commend the Appropriations Committee for its efforts to increase funding for WIC.

Mr. WARNER. Mr. President, I rise today to congratulate the distinguished chairman of the Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies and the ranking Republican member, Senator COCHRAN, for their time and hard work in putting together and bringing this important measure before the Senate.

I am particularly pleased to note that this legislation has been amended to reflect the greater funding levels proposed in the new child nutrition reauthorization bill, legislation for immediate Senate consideration and of which I have asked to be an original cosponsor.

Our colleagues serving on the Agriculture Committee have moved expeditiously to provide continued support and direction for the Food Stamp Program, school lunch and breakfast programs, and perhaps most importantly, the Supplemental Food Program for Women, Infants and Children [WIC].

Mr. President, although the United States outpaces the rest of the world in spending for health care, it ranks near the bottom of all industrialized nations in preventing infant mortality. I find this shocking, as should every American.

Last October, the National Commission To Prevent Infant Mortality reported that the United States ranked 20th among developed nations with approximately 10.4 infant deaths per 1,000 live births. It is a stated goal of the U.S. Surgeon General to reduce that number to 9 per 1,000 by the year 1990.

In the Commonwealth of Virginia, infant mortality is clearly a problem. The rate has dropped from 12.3 infant deaths per 1,000 in 1984 to 10.1 deaths per 1,000 in 1987, that 10.1 figure for 1987 translates into 915 infant deaths before reaching their first birthday. Although we are fortunately below the national average of 10.4, and we are optimistic about the progress that has been made in recent years, there is still much work to be done.

There are many critical steps that the Government can take to help reduce the rate of infant mortality in this country. One that I strongly support, as have my colleagues on this important Appropriations Committee, is providing adequate funding for the WIC Program.

Through this important program, prescriptions, food supplements, and nutrition counseling to pregnant and nursing women, infants, and young children are provided monthly.

The WIC Program helps to lessen health problems associated with inadequate diets during the critical early stages of child development, especially pre-natal. Often, the WIC Program is a pregnant woman's first encounter with the Nation's health care system. Most importantly, the food assistance which comes with WIC reduces the incidence of low birth weight, the most significant cause of infant mortality.

Mr. President, I congratulate the able managers of this bill again, and urge my fellow colleagues to support the critical child nutrition provisions.

Ms. MIKULSKI. Mr. President, I would like to acknowledge Senator BURDICK, chairman of the Subcommittee on Agriculture, Rural Development and Related Agencies for proceeding with the Agriculture Appropriations bill so expeditiously and congratulate him for setting such a fine example of hard work and devotion to this job. I want to thank him for his help in funding Maryland projects. I would also like to thank his fine staff: Rocky Kahn and Deborah Dawson.

Furthermore, I recognize the ranking minority member Senator COCHRAN as well as his staff, Irma Hanneman and Judee Klepec for their help throughout the process. Their indepth knowledge of the subject matter, candor with others, hard work, long hours and courtesy were instrumental in getting this important bill prepared in such a timely and efficient manner.

I would like to briefly mention a few of the important items contained in this bill.

This bill contains important funds for the consolidation of the Food and Drug Administration into a unified Maryland campus. This consolidation would allow resolution of the severe difficulties that FDA confronts in accomplishing its mission due to the dispersal of its employees among seven separate sights located in 23 buildings, all in the Metropolitan Washington area. Benefits from this consolidation would not only include safer products for consumers, but would also provide an alternative to the $100 million cost which would be necessary to bring the separate facilities up to state-of-the-art levels.

The $375,000 to create the Chesapeake Bay Regional Aquaculture Center is also of vital importance to the State of Maryland. This program would establish a mid-Atlantic regional aquaculture center at the University of Maryland campus. The creation of such a center would focus its research on disease, genetic research and the environmental impact of aquaculture on native species.

Finally, the protection of the Chesapeake Bay remains one of the major concerns of Maryland. Efforts continue to deal with the polluted water of the bay.

Additional studies have received important funds to study the important Chesapeake Bay issues. Through a variety of programs, efforts are being made to improve the overall quality of the bay. Studies will be done in order to devise plans to combat the polluted waters and to improve the environment for the bay wildlife. Efforts such as these are vital to reaching the goal of the 1987 Chesapeake Bay Program and the commitment by the Federal Government to be a leader in this effort.

Once again Mr. President, I would like to acknowledge the job Senator BURDICK and his staff have done. They must handle many requests for funds and choose from the many deserving projects. Their efforts are truly commendable.

Mr. COCHRAN. Mr. President, for the information of Senators, the managers have conferred and know of no Senators who plan to offer further amendments to this bill. We received an indication that a Senator on this side of the aisle was considering speaking on the bill. That Senator is not here now, however, and just for the

general information of others, it appears that we may be ready to go to third reading within the next few minutes.

If Senators do have amendments, or if Senators wish to make statements on the bill, they should be advised that we are about to proceed to third reading.

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. COCHRAN. Mr. President, we have canvassed our side of the aisle here to see if other Senators wish to speak or have any amendments to offer. We have been told that there are no Senators on this side of the aisle who desire to offer amendments or to speak on the bill. As far as this side is concerned, we are prepared to go to third reading.

Mr. BURDICK. Mr. President, we are about ready for third reading also, but my colleague from Nebraska would like to have a few minutes.

Mr. KERREY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. KERREY], is recognized.

Mr. KERREY. Mr. President, I rise today to give full credit and congratulations to the chairman and the ranking Republican on our committee. These individuals, I think, have put together an exceptional bill that expresses not only our understanding of the relationship between our efforts and our ability to be able to produce food; they have, quite appropriately, enhanced our ability to use the natural assets that we have, our soil, our water, to produce more food. They also have indicated in this legislation that we have a responsibility to provide assistance to those who are not able to feed themselves, who, for economic reasons, simply are not able to provide for themselves or their families. This is a well-balanced piece of legislation, and I fully support it.

I would also interject, as I rise in support, to say that I share in the earlier comments of the Senator from Montana. I am very much concerned that we are now in the second day of impasse over the drought legislation, and I hope that this can be resolved quickly because it is also desperately needed, as I am sure both the Senator from North Dakota and the Senator from Mississippi know. We are ready to move on that, and I hope we are able to move on it quickly. There is a need in America for swift action, and I hope today we are able to act on it. We are ready to go.

I say again that I have a great deal of admiration for both the Senator from North Dakota and the Senator from Mississippi in their efforts to produce this particular authorization, because it expresses, in my judgment, America at its finest. I fully applaud their work and support everything they have done.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Nebraska for his kind comments, and I appreciate his support for this legislation.

I might say, that this Senator certainly hopes that the Senate can act on drought legislation in a timely way. Progress is being made to develop a package for drought relief and flood relief for those areas of the country that have suffered from bad weather this year, as well as last year.

We join the Senator in the hope that the legislation can move through the Congress and be signed by the President. That is an important aspect of the effort, that we get legislation the President will sign. We are not going to make any progress if we just pass a bill that does not become law. I know all of us will be working in that direction as we try to shape the legislation in its final form.

I will certainly work with the Senator and others who are interested in that on the Agriculture Committee and here in the full Senate, so that we can achieve that goal and do it quickly. I hope we can.

Mr. President, as I said, I know of no other amendments to be offered on this side of the aisle. I know of no Senators who seek recognition on this side. We are ready to go to third reading.

Mr. BURDICK. We know of no committee amendments or any requests for time on the floor on this side either. We are ready for final consideration.

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

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

The bill was read the third time.

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

So the bill (H.R. 2883), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

Mr. BURDICK. Mr. President, I move that the Senate insist upon its amendments to H.R. 2883 and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to and the President pro tempore appointed Mr. BURDICK, Mr. BUMPERS, Mr. HARKIN, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. COCHRAN, Mr. MCCLURE, Mr. KASTEN, Mr. SPECTER, Mr. GRASSLEY, and Mr. HATFIELD, conferees on the part of the Senate.

Mr. BURDICK. Mr. President, again I want to thank Senator COCHRAN for his help in managing this bill and seeing it through to final passage. His guidance is most helpful. I could not ask for a more cooperative and informed ranking member.

I would also like to say a special thank you to the committee staff who has worked so long and hard on this bill. Rocky Kuhn, Debbie Dawson, and Tawanda Sullivan for the majority and Irma Hanneman and Judee Klepec for the minority have all worked very hard, and without their expertise, we would not have been able to complete the task.

I want to make a special note that we have brought this bill through subcommittee and full committee and had it ready for Senate floor consideration within just 1 week of receiving it from the House. If that is not a record, Mr. President, it must be awfully close.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from North Dakota for his very gracious comments. I also want to commend those members of our staff on this subcommittee who have worked so hard and so capably to bring this bill to the floor and to help get it passed. They have really put in long and hard hours. They are very capable. I do not know how we would be able to function without their excellent assistance.

I also want to say, Mr. President, that the chairman of the subcommittee, Senator BURDICK, is a real pleasure to work with on the subcommittee. He has been very helpful, cooperative, and responsible in his efforts to bring to the Senate a bill within our allocation and sensitive to the needs of those affected by the legislation.

I cannot think of anyone I have enjoyed working with more since I have been in the Senate than the distinguished Senator from North Dakota, and I thank him for his many courtesies to me and to the Senators on this side of the aisle.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The junior Senator from Nebraska [Mr. KERREY] is recognized.

DROUGHT RELIEF

Mr. KERREY. Mr. President, I rise to discuss for a moment something I referenced earlier which is that we are on day 2 of an impasse over the disaster relief bill that was passed by the Senate Agriculture Committee and is waiting now to be acted upon by the full Senate.

It has been represented, and was yesterday again, that this has become a partisan issue. The distinguished Republican leader, an individual who I understand has some considerable amount of concerns and I understand that he has some disagreements with this particular piece of legislation, described it as a partisan issue, that it was voted out on a party line, and indeed it was.

But in this particular instance, this is not a partisan issue. The House voted not on party lines but with a considerable amount of Republican support in order to address this disaster in the Nation in a nonpartisan fashion.

What the committee has attempted to do, as the Senator from Mississippi indicated that we must do, is to get this particular piece of legislation in a form that the administration will accept, and in doing so, we have moved significantly away from what the House had done.

What we also must attempt to do is to get it in the form that the House will accept, get it in the form where it can be reconciled in conference and, Mr. President, we did that by simply adopting the formulas that have been used in last year's disaster bill using the assumptions that were contained in last year's disaster effort, assumptions that it seems to me still have reasonable application today.

They essentially say that a disaster is a disaster no matter who it happens to and that, if you cross the line, if you move across the line and say that we are going to provide disaster assistance even though there is crop insurance available, once you have crossed that line, and I think it is reasonable to cross it, Mr. President, because we have a long way to go before crop insurance becomes a reasonable way to require farmers to manage their own risk, but once you cross that line, you should simply say that a disaster is a disaster. That is what was done last year, and that is what we are attempting to do this year.

That particular assumption, by the way, enjoys bipartisan support. This is not an attempt by the Democrats to run something through here. It is in fact the Democrats simply saying we want to try to get something passed; we are joined by many Republicans, and we are hoping on day 2 now of this impasse that the agreements that the distinguished Republican leader hoped to be able to achieve are achieved.

We need to have this piece of legislation moved, and my hope is that we can do it today. I would like to see it come to the floor immediately.

The distinguished majority leader has indicated he is willing to go now. The chairman of the Agriculture Committee is ready to go now. We can go in 10 or 15 minutes and move this legislation. We are prepared to go now. We need to go into conference next week so we can get this piece of work done before we go into recess.

We have worked hard to try to accommodate the objections of the administration, objections that I, by the way, think in many ways are unreasonable and I voiced where I disagree with the administration and attempted to move so as to achieve accommodation.

My hope, Mr. President, is that the disagreements that exist can be worked out today. I believe that the disagreements between the Republicans and Democrats on the Senate Agriculture Committee are not great. We need to get those resolved today so that we can act on it as soon as possible so that we can go into conference with the House of Representatives and so that before we leave into recess, the President can sign this needed legislation for America's farmers.

I yield the floor.

The PRESIDENT pro tempore. The Republican leader.

Mr. DOLE. Mr. President, I shall just take a minute or two of my leader's time to indicate to the Senator from Nebraska that I do not disagree with anything he has said. I did not hear it all. But we would not even have the report out of the committee yet. It has not been filed. We could not take up drought assistance in any event today.

But I think the Democrats will find Republicans willing to negotiate if in fact we are going to do it on a nonpartisan basis, but none of this party line basis—this is not negotiation—but it could not be on the floor today.

I would think I speak for most of my colleagues on that side. If there is any indication on the other side that they want to sit down and discuss it in a nonpartisan way where we can have frank discussion and not have those discussions repeated on the floor, certainly this Senator would be willing to do that.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1990

The PRESIDENT pro tempore. Under the order, the Senate will proceed to the consideration of H.R. 2696, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes.

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

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

H.R. 2696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, **[$123,312,000]** *$131,086,000,* to remain available until expended: *Provided,* That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1990 in the amounts specified: **[**Rillito River, Arizona, $350,000; Hillsboro Inlet, Broward County, Florida, $50,000; Monroe County, Florida, $96,000; Jeffersonville, Indiana, $125,000; Missouri River Fish and Wildlife Mitigation, Iowa, Nebraska, Kansas, and Missouri, $150,000; Newport, Kentucky, $50,000; Red River Waterway, Shreveport, Louisiana, to Dangerfield, Texas, $1,500,000; Sainte Genevieve, Missouri, $50,000; Antelope Creek, Lincoln, Nebraska, $100,000; Elm Creek, Nebraska, $75,000; West Virginia Waterfront Development Study, West Virginia, $250,000; Sacramento River Flood Control Project, Glenn Colusa Irrigation District, California, $180,000; Lake George, Hobart, Indiana, $100,000**]**

Rillito River, Arizona, $350,000;

Antelope Creek, Lincoln, Nebraska, $10,000;

Elm Creek, Nebraska, $75,000

*: Provided further, That not to exceed $26,500,000 shall be available for obligation for research and development activities***[**: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design for the Caliente Creek, California, project and is further directed to undertake any reformulation of the plan recommended in the feasibility study completed by the Corps of Engineers South Pacific Division Engineer on December 23, 1988, as part of preconstruction engi-

neering and design: *Provided further,* That $110,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to initiate and complete a reconnaissance phase study of roadway access problems at Fishtrap Lake, Kentucky, and the purchase of property from willing sellers and relocation of owners of property so purchased: *Provided further,* That with funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design for construction of a bridge at Floyd's Fork, on Routt Road at Taylorsville Lake, Kentucky: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use, immediately upon enactment of this Act, $125,000 of the funds appropriated herein to accomplish detailed planning of the Wabash Valley Scenic Corridor at Lafayette, Indiana, under the authorized Wabash River Basin Comprehensive Study: *Provided further,* That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a reconnaissance level study for the Saint Lawrence Seaway and Great Lakes-Financing Navigational Improvements Study, as authorized in section 47(d) of Public Law 100-676, at full Federal expense]: *Provided further,* That $150,000 of the funds herein appropriated for the Eastern North Carolina above Cape Lookout, North Carolina, study, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to conduct basic hydrologic, water quality, and land use studies of the Albemarle and Pamlico Sounds in support of the Albemarle-Pamlico Estuarine study under the National Estuarine Study Program[: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, using $100,000 of the funds herein appropriated, is directed to complete preconstruction engineering and design necessary to prepare the Big and Little Sallisaw Creeks, Oklahoma, project, authorized by the Water Resources Development Act of 1976, for construction]: *Provided further,* That with funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a study to determine the feasibility of the Winton Woods, Mill Creek Lake, Ohio, project under authority of section 1135 of the Water Resources Development Act of 1986[: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Nebraska in seeking solutions to water resources problems, including investigating and resolving problems of streambank erosion and environmental concerns along the Platte and Missouri Rivers: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Minnesota in seeking solutions to water resources problems: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Alabama in seeking solutions to water resources problems]: *Provided further,* That [$45,000] *$90,000* of the funds herein appropriated shall be used by the Army Corps of Engineers to complete a comprehensive reconnaissance study of coastal erosion controls for the Portuguese Bend landslide in the immediate, urban Los Angeles, California, area[: *Provided further,* That in fiscal year 1990 the Corps of Engineers shall utilize funds previously appropriated for engineering and design, in addition to $605,000 provided herein, for engineering and design work on the Miami Harbor. The engineering and design work shall be completed by March 30, 1990]*: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize funds previously appropriated to prepare the most cost effective plan to provide the authorized level of protection for flood damage reduction for the entire city of West Memphis, Arkansas, and vicinity, without regard to frequency of flooding, drainage area, and amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize previously appropriated funds together with funds appropriated herein to complete in fiscal year 1990 the engineering and design on the Port Sutton Channel, Tampa Harbor, Florida project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 of the funds appropriated herein for preconstruction engineering and design of structures to restore the riverbed gradient in the vicinity of Mile 206 of the Sacramento River, California in accordance with the plan contained in a Final Feasibility Report, dated 1989, by the Glenn Colusa Irrigation District and the California Department of Fish and Game, on Fish Protection and Gradient Control Facilities.*

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, alteration and removal of obstructive bridges, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), [$1,026,112,000] *$1,022,270,000,* of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided,* That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1990 in the amounts specified: [Beaver Lake, Arkansas (Water Quality Enhancement), $1,100,000; Red River Emergency Bank Protection, Arkansas and Louisiana, $4,000,000; Guadalupe River, California, $1,100,000; Redondo Beach, (King Harbor), California, $250,000; Fort Pierce Harbor, Florida, $4,524,000; Kissimmee River, Florida, $6,000,000; Manatee County, Florida, $5,000,000; Sarasota County, Florida, $4,067,000; Maalaea Small Boat Harbor, Hawaii, $600,000; Little Calumet River, Indiana, $2,400,000; Ouachita River Levees, Arkansas and Louisiana, $400,000; Roseau River (Duxby Levee), Minnesota, $200,000; Cape Girardeau-Jackson, Missouri, $1,000,000; Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri, $1,570,000; Great Egg Harbor Inlet and Peck Beach, New Jersey, $250,000; Acequias Irrigation System, New Mexico, $2,000,000; Shinnecock Inlet, New York, $5,300,000; Grays Harbor, Washington, $13,000,000; Roanoke River Upper Basin, Virginia, $200,000; Red River Chloride Control, Texas and Oklahoma, $2,500,000; Papillion Creek and Tributaries Lakes, Nebraska, $2,500,000; Missouri National Recreation River, Nebraska and South Dakota, $1,000,000; Buffalo Harbor Drift Removal, New York, $1,100,000; Small Boat Harbor, Buffalo Harbor, New York, $1,000,000; Atlantic Coast of Maryland, Maryland, $8,200,000]

Beaver Lake, Arkansas, $1,100,000;

Red River Emergency Bank Protection, Arkansas and Louisiana, $2,000,000;

Manatee County, Florida, $5,000,000;

Maalaea Small Boat Harbor, Hawaii, $600,000;

Little Calumet River, Indiana, $2,400,000;

Ouchita River Levees, including Bawcomville Levee, Louisiana, $400,000;

Westwego to Harvey Canal; Louisiana, Hurricane Protection, $1,100,000;

Atlantic Coast of Maryland, Maryland, $8,200,000;

Cape Girardeau-Jackson, Missouri, $500,000;

Missouri National Recreation River, Nebraska and South Dakota, $620,000;

Papillion Creek and Tributaries, Nebraska, $2,500,000;

Great Egg Harbor Inlet and Peck Beach, New Jersey, $250,000;

Shinnecock Inlet, New York, $5,300,000;

Roanoke River Upper Basin, Virginia, $200,000

: *Provided further,* That with [$6,000,000] *$2,700,000* of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to award a continuing contract for levee/floodwall construction and to continue, by continuing contracts, other structural and nonstructural work associated with the Barbourville, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further,* That with [$20,000,000] *$18,200,000* of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the work for the river diversion tunnels and to undertake other structural and nonstuctural work associated with the Harlan, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367 using continuing contracts*: Provided further, That with $7,850,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake structural and nonstructual flood protection measures at Matewan, West Virginia: Provided further,* That no fully allocated funding policy shall apply to construction of the Barbourville, Kentucky, *Matewan, West Virginia,* and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project[: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, notwithstanding section 903(a) of the Water Resources Development Act of 1986, to construct the Mound State Park, Moundville, Alabama, project, authorized by section 608(a) of the Water Resources Development Act of 1986, in accordance with the General Design Memorandum Number 1 (April 1988) of the Mobile District Engineer, and the non-Federal share of

this project shall be 25 percent: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, notwithstanding section 903(a) of the Water Resources Development Act of 1986, to construct the Fort Toulouse, Elmore County, Alabama, project, authorized by section 608(b) of the Water Resources Development Act of 1986, in accordance with the General Design Memorandum Number 1 (April 1988) of the Mobile District Engineer, and the non-Federal share of this project shall be 25 percent: *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, $9,000,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for construction of the Miami River Sediments, Florida, project, authorized by section 1162 of Public Law 99-662: *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, $500,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for construction of the Satilla River Basin, Georgia, project, authorized by section 1151 of Public Law 99-662]: *Provided further,* That using $415,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, immediately upon enactment of this Act, to initiate a program of applied research, in cooperation with the Tennessee Valley Authority, to help resolve the aquatic plant problem in Guntersville Lake, Tennessee River, Alabama, in accordance with the research provisions of the aquatic plant control program authorized in section 302 of Public Law 89-298[: *Provided further,* That using $1,500,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the O'Hare Reservoir, Elk Grove Township, Illinois, as authorized in section 401(a) of Public Law 99-662 with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986]: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate remedial work on the Sacramento River Flood Control Project levees in the Sacramento Metropolitan Area with $3,000,000 herein appropriated for that purpose: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate design and construction of the Waterloo Bridges in Waterloo, Iowa, in accordance with section 835 of the Water Resources Development Act of 1986 using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371 *and the Act making further continuing appropriations for the fiscal year ending September 30, 1988, Public Law 100-202: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $9,900,000 of the total sum appropriated herein for design, testing, and construction in fiscal year 1990 of juvenile fish bypass facilities at the Little Goose, Lower Granite, McNary, Lower Monumental, Ice Harbor and The Dalles projects on the Columbia and Snake Rivers as described in the report accompanying this Act: Providing further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction of the Maumee Bay State Park, Ohio, Shoreline Protection and Beach Restoration project, using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, and the non-Federal sponsor shall share the cost of the project in accordance with the cost sharing requirements of the Water Resources Development Act of 1986, Public Law 99-662[: *Provided further,* That using funds appropriated in the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army, acting through the Chief of Engineers, shall make $150,000 available to the Kankakee River project in Illinois to acquire an icebreaking boat and equipment to be loaned to the city of Wilmington, Illinois, for a period of at least three years in accordance with section 1101(b) of the Public Law 99-662 (100 Stat. 4224): *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Hamlet City Lake, Hamlet, North Carolina, project using $3,200,000 of the funds herein appropriated: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the Kanawha River, Charleston, West Virginia, and Kanawha River, Saint Albans, West Virginia, projects using funds appropriated in the Energy and Water Development Appropriations Act, 1988, Public Law 100-202]: *Provided further,* That using funds previously appropriated and [$13,000,000] *$3,000,000* of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to construct Highway 415, Segment "C" at the Saylorville Lake, Iowa, project in accordance with terms of the relocations contract executed on [June 21, 1985] *June 21, 1984,* between the United States Army Corps of Engineers Rock Island District Engineer and the State of Iowa[: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and continue the repair and rehabilitation of the Maeystown Creek gravity drainage structure through the project levee of the Harrisonville and Ivy Landing Drainage and Levee District, Number 2, Illinois, subject to the-cost sharing provisions of section 103 of Public Law 99-662: *Provided further,* That with $4,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to resume construction on the Wallisville Lake project in Texas, and to award continuing contracts until construction is complete under the cost-sharing terms and conditions signed in 1967 between the Trinity River Authority of Texas, the city of Houston, the Chambers-Liberty Counties Navigation District, and the Corps of Engineers, and as provided for in Public Law 98-63: *Provided further,* That with $10,000,000 heretofore or herein appropriated for the Cooper Lake and Channels project in Texas, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts in fiscal year 1990 at full Federal expense for additional recreation facilities at an estimated cost of $22,000,000 not exclusive to South Sulphur and Doctors Creek Parks, as is acceptable to the State of Texas; and, in addition, $101,800,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, of which, $2,500,000 shall be used to acquire up to five thousand acres of land in the vicinity of the Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area as part of the wildlife mitigation lands for the Red River Waterway project: *Provided further,* That the Secretary of the Army is authorized and directed to immediately begin a reconnaissance study of the Cuyahoga River. The Reconnaissance Study shall be conducted at 100 percent Federal cost pursuant to the provisions of section 905(b) of Public Law 99-662, using funds already appropriated in Public Law 100-202: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall use $600,000 of the funds appropriated under this heading for a flood control project on Loves Park Creek, Loves Park and vicinity, Illinois, as authorized by Public Law 99-662, Sec. 401]; *and, in addition, $101,800,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project and for compliance with the directions given to the Secretary of the Army in the fiscal year 1988 and 1989 Energy and Water Development Acts, Public Laws 100-202 and 100-371 respectively, regarding the construction of this project, and the Secretary is directed to use $2,000,000 to award continuing contracts in fiscal year 1990 for construction and completion of Lock and Dam 4, Phase I, and Lock and Dam 5, Phase I; and of which $2,500,000 shall be used to acquire up to five thousand acres of land in the vicinity of the Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area as part of the lands for the Red River Waterway project; and with funds provided in this title or previously appropriated to the Corps of Engineers, the Secretary further is directed to fund previously awarded and directed construction contracts and to award continuing contracts in fiscal year 1990 for construction and completion of each of the following features of the Red River Waterway: in Pool 1, Vick Revetment Extension; Saline Bend Dikes, Blakewood, Pump Bayou, and Grand Lakes Reinforcement and Dikes. The Federal cost for construction of the Louisiana and Arkansas Railway Bridge near Alexandria, Louisiana, authorized in Public Law 98-181 shall be increased to a limitation of $25,770,000 (July 1, 1983 price levels) in order to avoid disruption of the Colfax Creosoting Company.*

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), [$342,186,000] *$335,970,000,* to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further,* That the Secretary of the Army is directed to provide $1,000,000

from funds appropriated by Public Law 100-371 (102 Stat. 859) for Flood Control, Mississippi River and Tributaries, to the United States Department of Agriculture, Soil Conservation Service, to be expended for engineering and design of the Johns Creek project, as authorized by section 401(a) of Public Law 99-662 (100 Stat. 4124)[: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of a replacement for the Motor Vessel MISSISSIPPI using funds available under this appropriation in order to complete construction of the replacement vessel by the end of calendar year 1991]*: Provided further, That using previously appropriated funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the local interest for the Federal share of the cost of relocation of U.S. Highway 71 bridge in St. Landry Parish, Louisiana carried out by local interests as authorized by section 824 of Public Law 99-662: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $2,500,000 of previously appropriated funds to initiate and complete construction of a land size seepage berm to correct a project deficiency at the Mississippi River, Memphis Harbor, Tennessee.*

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,382,081,000] *$1,396,104,000,* to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which [$20,000,000] *such sums estimated at $60,000,000* shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended [(16 U.S.C. 4601)] *(16 U.S.C. 460l): Provided,* That $100,000 of funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers for operation and maintenance of existing structures and facilities of the Missouri National Recreation River, Nebraska and South Dakota: *Provided further,* That not to exceed $8,000,000 shall be available for obligation for national emergency preparedness programs[: *Provided further,* That $750,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for maintenance dredging of the Los Angeles River portion of the Los Angeles-Long Beach Harbors project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, may use not more than $500,000 of the funds herein appropriated for payments to parties adversely affected by the closing of the Cape Cod Canal Railroad Bridge for repairs by the Secretary of the Army: *Provided further,* That $50,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the Sauk Lake, Minnesota, project]*: Provided further, That all revenues from additional use fee collections estimated at $40,000,000 in fiscal year 1990 shall be retained and used for construction, operation, and maintenance of recreation facilities in this account, notwithstanding the provisions of the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of additional revenues received from such fees and collections, so as to result in a final fiscal year 1990 appropriation estimated at $1,356,104,000.*

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters, including bridges, and wetlands, $69,427,000, to remain available until expended.

REVOLVING FUND

For continued acquisition of the Corps of Engineers Automation Plan, $10,000,000, to remain available until expended. (33 U.S.C. 576).

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, [$127,300,000] *$128,800,000,* to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 150 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

[SEC. 101. The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986, is modified to direct the Secretary of the Army to design and construct the project to provide flood protection to the area protected by the existing projects from flood conditions which would occur as a result of the recurrence of tropical storm Agnes of 1972, with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986, at a total cost of $169,000,000 with an estimated Federal cost of $127,000,000 and an estimated non-Federal cost of $42,000,000.]

SEC. 101. The second sentence of section 210 of the Flood Control Act of 1968 (82 Stat. 746; 16 U.S.C. 460d-3) is amended to read:

"Notwithstanding section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897; 16 U.S.C. 460l-6a(b)), the Secretary of the Army is authorized to charge fees for the use of specialized recreation sites and facilities, including, but not limited to, improved campsites, swimming beaches, and boat launching ramps; however, the Secretary shall not charge fees for the use or provision of drinking water, wayside exhibits, general purpose roads, overlook sites, toilet facilities, or general visitor information. The fees shall be deposited into the special Treasury account for the Corps of Engineers that was established by section 4(i) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-6a(i)).".

Section 4 of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897; 16 U.S.C. 460l-6a) is further amended by: (1) deleting the next to the last sentence of subsection (b); (2) inserting the words "except the Corps of Engineers" after the words "each agency" in subsection (i)(2); (3) inserting the words "and the Corps of Engineers" after the words "National Park Service" in subsection (i)(3); and (4) adding a new subsection (i)(5) as follows: "(5) Amounts covered into the special account for the Corps of Engineers shall be available immediately, upon appropriation, by the Secretary of the Army, to be used for construction, operation, maintenance, and enhancement of and research related to, water resources development areas administered by the Department of the Army that are used in whole or in part for recreation purposes.".

SEC. 102. The Sacramento River Flood Control Project, California, as authorized by the Flood Control Act of 1917, as amended, is further modified to direct the Secretary of the Army, acting through the Chief of Engineers, to proceed in fiscal year 1990 and in subsequent years as necessary with construction of riverbed gradient restoration structures in the vicinity of River Mile 206, Sacramento River, California, at an additional estimated cost of $6,000,000, generally in accordance with the plan contained in a report prepared by the Glenn Colusa Irrigation District and the California Department of Fish and Game, dated December 1988. Local cost-sharing is to be obtained in accordance with the flood control requirements of the Water Resources Development Act of 1986.

SEC. 103. The undesignated paragraph entitled "Sims Bayou, Texas" in section 401(a) of Public Law 99-662 (100 Stat. 4110) is amended by striking out "$126,000,000" and inserting in lieu thereof "$244,000,000", by striking out "$94,700,000" and inserting in lieu thereof "$164,000,000", and by striking out "$31,300,000" and inserting in lieu thereof "$80,000,000".

SEC. 104. The project for shoreline protection for the Atlantic Coast of Maryland (Ocean City), authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4135), is modified to authorize the Secretary to construct hurricane and storm protection measures based on the District Engineer's Post Authorization Change Notification Report dated May 1989, at a total initial cost of $71,000,000, with an estimated Federal cost of $37,000,000 and an estimated non-Federal cost of $34,000,000, and an annual cost of $2,700,000 for periodic beach nourishment over the life of the project, with an estimated annual Federal cost of $1,755,000 and an estimated annual non-Federal cost of $945,000.

SEC. 105. Notwithstanding section 110 of the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army is authorized to transfer and reassign property accountabil-

ity for the headquarters aircraft of the Corps of Engineers, Serial Number 045, from the assets of the civil works revolving fund, to the military activity of the Army that the Secretary determines is appropriate, except that the aircraft shall be made available on a priority basis as necessary for activities in support of the Army's civil works mission.

SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to assume operation of the Sledge Bayou Drainage District's structure located in Quitman County, Mississippi.

[SEC. 107. Section 803 of the Water Resources Development Act of 1986 (100 Stat. 4166) is amended by adding at the end thereof the following new sentence: "Notwithstanding section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a), if, before the date of the enactment of this Act, non-Federal interests complete construction and repair of the Cherry Street bridge, the Secretary shall credit toward the non-Federal share of the cost of construction of the Walnut Street bridge an amount equal to the Federal share of the cost incurred for construction and repair of the Cherry Street bridge.".

[SEC. 108. Cost sharing requirements for the study of the Lake Erie-Ohio River Canal, Ohio and Pennsylvania, authorized by resolution of the Committee on Public Works and Transportation on October 1, 1986, shall be in accordance with section 105(a)(2) of the Water Resources Development Act of 1986.]

SEC. [109] *107.* The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform maintenance dredging and related activities to maintain Pump Slough from its confluence with the West Pearl River to the boat ramps in the vicinity of Interstate 59 and Crawford and Davis landings.

SEC. [110] *108.* The project for mitigation of fish and wildlife losses at the Canaveral Harbor West Basin and Approach Channel project, Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 under the heading "PORT CANAVERAL HARBOR, FLORIDA" (100 Stat. 4140), is modified to authorize the Secretary to construct that part of the project consisting of reshaping of four spoil islands located in the Banana River, installation of culverts along the existing levee of the south mosquito control impoundment of Merritt Island, and rehabilitation of the existing pump station located at the southern tip of the south mosquito control impoundment, at a total cost of $838,000, with an estimated first Federal cost of $825,000 and an estimated non-Federal cost of $13,000.

SEC. 109. The undesignated paragraph of the Water Resources Development Act of 1986 (Public Law 99-662) under the heading "Roanoke River Upper Basin, Virginia" (100 Stat. 4126) is amended by striking out "$21,000,000" and all that follows in that paragraph and inserting in lieu thereof "$29,000,000, with an estimated first Federal cost of $17,700,000 and an estimated first non-Federal cost of $11,300,000, October 1988 price levels.".

SEC. 110. The project for navigation, Bonneville Lock and Dam, Oregon and Washington, authorized by the Supplemental Appropriations Act of 1985 (Public Law 99-88), the Water Resources Development Act of 1986 (Public Law 99-662), and the Supplemental Appropriations Act of 1989 (Public Law 101-45), is modified to authorize the Secretary of the Army to make available and deliver to the following Oregon and Washington ports: Port of The Dalles, Oregon; Port of Hood River, Oregon; Port of Cascade Locks, Oregon; Port of Klickitat, Washington; and Port of Skamania, Washington, excavated material surplus to the needs of the project as determined and conditioned by the Secretary of the Army without cost to the ports for such material.

The Secretary, or his designee, shall not make such excavated material available until each port has entered into a written agreement: (1) to provide disposal sites at no cost to the government or its agents or its contractors; (2) to provide without charge or fee all disposal site work necessary for placement of the excavated materials as it becomes available for disposal; (3) to provide all disposal site work during disposal of the excavated material such as spreading, compacting and protection of in-water fills but not including off-loading from either truck or barge; (4) obtain all required State and Federal permits; and (5) to hold and save harmless the government from all damages, contractual or otherwise from the ports, but not from third-party claims.

Actions taken pursuant to this modification shall not affect the environmental studies and approvals which have been completed for the project.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$11,230,000] *$11,330,000: Provided,* That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, [$661,008,000] *$662,120,000,* of which $164,866,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $188,823,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further,* That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further,* That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further,* That $17,000,000 of the funds herein appropriated shall be available for use for construction on the

Davis Creek Dam, North Loup Division, Nebraska, and related facilities in addition to the amount requested by the Secretary of the Interior for continuing work on the North Loup Division, which funds shall remain available until expended: *Provided further, That the Secretary of the Interior shall utilize $15,000,000 appropriated herein to compensate the Strawberry Water Users Association as authorized by section 4 of Public Law 100-563.*

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $212,287,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. [4601-6a] *460l-6a,* as amended), may be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable: *Provided further,* That none of the funds appropriated in this Act shall be used to execute new long-term contracts for water supply from the Central Valley Project, California, prior to October 1, 1990.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, $34,122,000, to remain available until expended: *Provided,* That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That during fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $31,922,000: *Provided further,* That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $47,983,000, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

WORKING CAPITAL FUND

For acquisition of computer capacity for the Business System Acquisition project, and other capital equipment, $8,500,000, to remain available until expended, as authorized in section 1472 of title 43, United States Code (99 Stat. 571).

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 27, 1987 (16 U.S.C. [4601-6a] *460l-6a,* as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 28 passenger motor vehicles for replacement only; acquisition of one aircraft by transfer of title without the use of appropriated funds; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467), and June 27, 1960 (16 U.S.C. 469): *Provided,* That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation and advance planning investigations under the head "General Investigations", and amounts provided for applied engineering under the head "Construction Program".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided,* That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

The Bureau of Reclamation may hereafter accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Bureau of Reclamation except policymaking or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 of the United States Code relating to compensation for work injuries, and shall not be deemed employees of the Bureau of Reclamation except for the purposes of tort claims to the same extent as a regular employee of the Bureau of Reclamation would be under identical circumstances.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.). Notwithstanding the provisions of 5 U.S.C. 5901(a), as amended, the uniform allowance for each uniformed employee of the Bureau of Reclamation, Department of the Interior, shall not exceed $400 annually.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facili-

ties or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

[SEC. 205. In Public Law 100-563, section 4(e)(2), delete the sentence that reads: "Of the amounts appropriated hereafter under section 8 of such Act, the first $15,000,000 shall be paid to the Association.]

SEC. [206] *205.* Section 210 of the Energy and Water Development Appropriations Act of 1988 is hereby deleted in its entirety.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), [$2,140,816,000 to remain available until expended: *Provided,* That of the amount appropriated herein, $2,500,000 shall be provided to the Midwest Superconductivity Consortium at Purdue University] *$2,215,466,000 to remain available until expended, of which $20,000,000 shall be available only for the following facilities: the Biomedical Research Institute, LSU Medical Center at Shreveport, Louisiana, and the Oregon Health Science University.*

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; *purchase of electricity to provide enrichment services or purchase of enriched uranium from the Federal Republic of Germany whichever will minimize appropriations;* purchase of passenger motor vehicles (not to exceed 25 for replacement only), [$1,445,000,000] *$1,428,000,000,* to remain available until expended: *Provided,* That revenues received by the Department for the enrichment of uranium and estimated to total $1,500,900,000 in fiscal year 1990, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1990 so as to result in a final fiscal year 1990 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 13, of which 10 are for replacement only and one is a police-type vehicle), [$1,062,431,000] *$1,098,431,000,* to remain available until expended: *Provided, That none of the funds provided in this Act for the Superconducting Super Collider shall be available to finalize or implement any agreements for either in-kind or direct contributions from foreign countries until a full report on such international contributions has been provided to the Congress, unless the President or Secretary of Energy certify in writing that it is in the national interest of the United States to implement such an agreement. Funds available for the Superconducting Super Collider may be utilized to prepare agreements to allow the above report to Congress to be formulated.*

NUCLEAR WASTE DISPOSAL FUND

[For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $424,700,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided,* That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund.]

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $350,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: Provided, That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund: Provided further, That of the amount herein appropriated not to exceed $5,000,000, may be provided to the State of Nevada, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, of which $1,000,000 is to be available for the University of Nevada-Reno to carry out intrastructure studies related to nuclear waste, and of which not more than $1,000,000 may be expended for geology and hydrology studies carried out by the University of Nevada system and not more than $1,000,000 may be expended for socioeconomic and transportation studies: Provided further, That not more than $6,000,000, may be provided to the State of Nevada, at the discretion of the Secretary of Energy, to conduct appropriate activities pursuant to the Act: Provided further, That not more than $5,000,000, may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: Provided further, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: Provided further, That of the amount appropriated herein, up to $10,000,000 shall be made available to the University of Nevada, Las Vegas (UNLV), to provide computing resource to the State of Nevada to carry out its independent analyses and oversight responsibilities under the Nuclear Waste Policy Act of 1982 and for use by UNLV. The funds shall be made available by direct payment to UNLV in the amount of the purchase price of a supercomputer or coupled minisupercomputers. UNLV shall take title to and assume ownership of the computer hardware and software that are purchased with these funds.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For necessary expenses of activities related to the production, distribution, and sale of isotopes and related services, $16,243,000, to remain available until expended: *Provided,* That this amount and, notwithstanding 31 U.S.C. 3302, revenues received from the disposition of isotopes and related services shall be credited to this account to be available for carrying out these purposes without further appropriation: *Provided further,* That all unexpended balances of previous appropriations made for the purpose of carrying out activities related to the production, distribution, and sale of isotopes and related services may be transferred to this fund and merged with other balances in the fund and be available under the same conditions and for the same period of time: *Provided further,* That fees shall be set by the Secretary of Energy in such a manner as to

provide full cost recovery, including administrative expenses, depreciation of equipment, accrued leave, and probable losses: *Provided further,* That all expenses of this activity shall be paid only from funds available in this fund: *Provided further,* That at any time the Secretary of Energy determines that moneys in the fund exceed the anticipated requirements of the fund, such excess shall be transferred to the general fund of the Treasury.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, [$9,692,300,000] *$9,554,098,000,* to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 208 for replacement only including 19 police-type vehicles).

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) [$358,734,000] *$354,297,000,* to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $150,000,000 in fiscal year 1990 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1990 so as to result in a final fiscal year 1990 appropriation estimated at not more than [$208,734,000] *$204,297,000.*

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $22,959,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,145,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for expenses of the Northeast Oregon Spring Chinook Facility and Galbraith Springs/Sherman Creek Hatcheries; and for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1990, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $18,469,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $25,172,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $11,723,000 in reimbursements, to remain available until expended: *Provided,* That the continuing fund established by the Act of October 12, 1949, c. 680, title I, section 101, as amended, shall also be available on an ongoing basis for paying for purchased power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of [below-average] *below normal* hydropower generation. [Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred.] Replenishment of the fund shall occur within twelve months of the month in which the funds were first expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase, maintenance, and operation of one helicopter for replacement only, $291,233,000, to remain available until expended, of which $264,457,000 shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $3,564,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended: *Provided,* That the continuing fund established in Public Law 98-50 shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-normal hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the continuing fund shall occur within twelve months of the month in which the funds were first expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $116,550,000, of which $11,000,000 shall remain available until expended and be available only for contractual activities: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $116,550,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1990, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1990, so as to result in a final fiscal year 1990 appropriation estimated at not more than $0: *Provided further,* That revenues collected under the authority of section 3401 of the Omnibus Budget Reconciliation Act that have been held in suspense pending the final outcome of litigation, will be immediately credited to the general fund of the Treasury.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $75,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

[(TRANSFERS OF UNEXPENDED BALANCES)]

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the

current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 304. (a) FEDERAL FUNDING.—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 per centum of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

(b) OTHER PARTICIPATION.—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and economically disadvantaged women.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, [$110,000,000] *$150,000,000.*

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-56, section 1441, [$10,000,000] *$7,000,000,* to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $214,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $345,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), [$100,000] *$300,000.*

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $442,100,000, to remain available until expended, of which $23,195,000 shall be derived from the Nuclear Waste Fund: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $146,850,000 in fiscal year 1990 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1990 from licensing fees, inspection services and other services and collections, and from the Nuclear Waste Fund, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1990 appropriation estimated at not more than $295,250,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $2,900,000, to remain available until expended; and in addition, not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfer shall be given to the Committees on Appropriations of the House and Senate: *Provided further,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $200,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $276,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, [$121,000,000] *$113,000,000,* to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the Tennessee Valley Authority may hereafter accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Tennessee Valley Authority except policymaking or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 of the United States Code relating to compensation for work injuries, and shall not be deemed employees of the Tennessee Valley Authority except for the purposes of tort claims to the same extent as a regular employee of the Tennessee Valley Authority would be under identical circumstances.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Nuclear Waste Negotiator, as authorized by Public Law 100-203, section 411, $2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 509, *in-*

cluding not to exceed $12,500 for official reception and representation expenses; including not to exceed $300,000 for services as authorized by 5 U.S.C. 3109(b), but at rates which the Board considers reasonable, not withstanding any other provision of law limiting such compensation, $2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119 *unless such report expressly provides otherwise.*

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

SEC. 508. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1990".

The PRESIDENT pro tempore. What is the will of the Senate?

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

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum having been suggested.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered. The Senator from Louisiana is recognized.

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

The PRESIDING OFFICER. The pending business is H.R. 2696.

Mr. JOHNSTON. Mr. President, I am pleased to present to the Senate along with my distinguished colleague from Oregon, Mr. HATFIELD, the energy and water appropriations bill for the fiscal year 1990.

As usual, Mr. President, this was a very difficult bill to put through considering the small amount of the allocation we had under the Budget Act. At the time we received our budget allocation, we used it all, I think every penny, although there has been some adjustment in scoring since then. But we used every penny. I think we have a very good bill. The measure of the good bill is that I know of no amendments at this time other than some technical amendments which Senator HATFIELD and I will have.

Mr. President, I am pleased to present to the Senate, along with the distinguished Senator from Oregon [Mr. HATFIELD], the energy and water appropriation bill for the fiscal year 1990 beginning October 1 of this year. This measure, H.R. 2696 was reported by the Committee on Appropriations on July 25 after having been received in the Senate and referred to the committee on July 11. We marked up this bill as quickly as we could after receiving the bill from the House and receiving our 302(b) allocation.

Mr. President, I cannot emphasize enough to the Members of the Senate how difficult it is to balance the appropriation bill particularly in the domestic discretionary area with the current budgetary constraints and allocations for these important functions of the Government. I want to assure the Members of the Senate that we have done the best we could to present a fair and balanced recommendation to the Senate in light of these tough budgetary constraints.

Before summarizing the principal aspects of this year's appropriation bill, I want to take a moment to especially thank the chairman of our full Committee on Appropriations, the distinguished President pro tempore and our leader for all the hard work and for his special understanding of the difficulties confronting us both timewise and dollarwise in moving these appropriation bills through the subcommittee, the full committee, and now to the Senate. I commend the chairman in leading us to this point in time of our consideration of this bill.

I also want to express my warm appreciation to our ranking member both of the subcommittee as well as the full committee, the distinguished Senator from Oregon [Mr. HATFIELD] for his unfailing cooperation and assistance in bringing this bill to the floor. What a pleasure it is to work with and to be a member of MARK HATFIELD's team.

And I want to thank all the members of the subcommittee and the committee who have contributed to putting this bill together and their help in our work on the subcommittee.

PURPOSE OF THE BILL

The purpose of this bill is provide appropriations for the fiscal year 1990 beginning October 1, 1989, and ending September 30, 1990, for energy and water development, and for other related purposes. It supplies funds for water resources development programs and related activities of the Department of the Army, Civil Functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian regional development programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title IV.

SUMMARY OF RECOMMENDATIONS

Mr. President, the fiscal year 1990 budget estimates for the bill total $18,378,373,000 in new budget obligational authority. The recommendation of the committee provides $18,432,972,000. This amount is $54.6

million over the President's budget estimate and $110 million less than the House passed bill would provide. The bill, as recommended fully uses the allocation in outlays for both the Defense 050 function and the domestic discretionary categories. We have additional budget authority in our allocation that cannot be used because of the outlay constraints.

A recent scorekeeping change indicates that there is still some difference as to the exact scoring of the outlay level but this amount is less than $10 million so this means we are now at our outlay ceiling for this bill. This would require any amendment as far as dollars are concerned to have an offset so as not to increase the bill above the current 302(b) outlay allocation.

Mr. President, I will briefly summarize the major recommendations provided by the bill. All of the details and figures are, of course, included in the committee's report accompanying the bill and other than the major recommendations and bill highlights, I will not undertake to elaborate in detail on each of the appropriations we are recommending to the Senate and as contained in the bill.

TITLE I—U.S. ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army Civil Works Program, U.S. Army Corps of Engineers, we are recommending a total amount of new budget authority of $3,155,000,000. These funds finance the activities of the corps for water resource development, including investigation and studies, planning and design, construction and operation and maintenance. The appropriation for all of these functions is $13 million less than the President's budget and $16 million under the House bill. We are recommending 24 new construction starts, including 9 of the 10 starts proposed in the President's budget. Of major interest to the Members of the Senate is the committee recommendation to restore funds cut out in the President's budget for small harbors and recreation facilities, nationwide. This committee action should allay the concerns of most of the Members of the Senate on this matter.

TITLE II—BUREAU OF RECLAMATION

For the Department of Interior's Bureau of Reclamation, which is title II of the bill, the committee has approved appropriations of $977 million for bureau activities in the 17 Western States. This amount is slightly under the budget proposal and about $1 million over the House bill. Three new construction starts are recommended, same as the House.

TITLE III—DEPARTMENT OF ENERGY

Mr. President, the committee recommendation for the Department of Energy would provide $13,727 million in new budget obligation authority to carry out the mission and work of the Department of Energy. Of this amount, $9,554 billion is for atomic energy defense activities, the Defense 050 function contained in this bill. As one can readily see, over one-half of the appropriations in this bill is for Defense. I will briefly list the programs as follows:

Testing	$568,980,000
Research and development	1,364,015,000
Production and surveillance	2,547,374,000
Nuclear materials production	2,173,574,000
Defense waste management and environmental restoration	1,556,731,000
Nuclear directed energy weapons SDI	110,000,000
New production reactor	303,500,000

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

The bill recommended by the committee provides a total of $2,215,466,000 for energy supply, research, development and demonstration programs including:

Solar energy	$94,606,000
Environment, safety and health	321,465,000
Nuclear fission R&D	579,875,000
Magnetic fusion	330,450,000
Basic energy sciences	594,000,000

GENERAL SCIENCE AND RESEARCH

The committee recommendation would provide $1,098 million for high energy physics and nuclear physics. The committee is recommending a total of $225 million for the superconducting super collider, of which $135 million is to initiate construction.

TITLE IV—RELATED INDEPENDENT AGENCIES

A total of $573.5 million is included under title IV for independent agencies, including $150 million for the Appalachian Regional Commission, $116 million for the Federal Energy Regulatory Commission, $442 million for the Nuclear Regulatory Commission, and $113 million for the Tennessee Valley Authority.

Mr. President, this is a brief summary of the major funding for the major agencies contained in the bill. There is a lot of work remaining before this bill can be sent to the White House hopefully before the August recess. Therefore, I hope that we can handle this measure on the floor in an expeditious manner so we can get to conference with the House of Representatives as soon as possible.

I might say, Mr. President, that this year for the first time since I have been connected with this subcommittee, which has been well over a decade, we have received a letter of praise from the Director, Office of Management and Budget, telling me that he wholeheartedly supports this bill as reported.

There is always something that OMB in the past has had to disagree with. But this year they fully endorse our bill, and for that I am grateful. I am pleased we were able to do that.

Mr. President, I want to say what a pleasure it is annually to deal with the distinguished Senator from Oregon [Mr. HATFIELD], who has been chairman of the full committee, has been chairman of this subcommittee before I, and now is ranking member. We have changed chairs on that, but always have worked together in the spirit of teamwork. He is knowledgeable. He is wise. He is effective. And it is a great pleasure to work with him.

Mr. President, for the first year, Mr. BYRD, the senior Senator from West Virginia, is the chairman of the full committee. He was expected to measure up to a very high level considering his distinguished record as majority leader. I must say, Mr. President, he has exceeded even his own high expectations with me and other Members of the Senate. He has really done an outstanding job. He has made our business here on this subcommittee much easier, and he has been a continual source of help in that respect.

I want to praise of course staff on both sides: Proctor Jones, who has been with this committee for a long time; David Gwaltney and Gloria Butland. And I will leave it to Senator HATFIELD to recognize his own outstanding staff. But I want to add my own praise to that.

Mr. President, before I yield to Senator HATFIELD, I would like to ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purposes of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing with this request.

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

AMENDMENT NO. 430

Mr. JOHNSTON. Mr. President, I have an amendment I send to the desk which I will read. It provides on page 44, line 19, strike "$1,098,431,000" and insert in lieu thereof "$1,114,431,000". What this does is conform the rescoring of our bill of additional funds and what we call the below the line reduction, or the amount of general reduction, so as to restore a portion of the general reduction with these additional funds as a result of the scorekeeping change.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 430.

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

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

The amendment is as follows:

On page 44, line 19, strike "$1,098,431,000" and insert in lieu thereof "$1,114,431,000".

Mr. JOHNSTON. Mr. President, I have explained the amendment.

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

Mr. HATFIELD. Mr. President, there is no amendment to the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 430) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I will be very brief in my remarks because I believe we can move expeditiously on the energy and water appropriations bill for fiscal year 1990, and go to conference quickly.

As with all the bills we are dealing with from the Appropriations Committee in this fiscal year, Mr. President, there are and will continue to be increasingly difficult choices. In particularly on this bill, the choice between nondefense funding and the military part of this bill, so many times people express surprise that the nuclear weapons appropriations are in the energy-water bill of the Appropriations Committee, and not in the Pentagon or the general defense bill.

This tracks back to the time when the Atomic Energy Commission was founded as a civilian agency, and the policy was determined to keep all nuclear matters under civilian control and not military control.

The realities of today's budget summit agreement and spending caps necessitated some very, very profound choices between programs that affect and address our current needs—those include such things as floodings, droughts, global warming—and those programs and funding programs especially that affect our future needs, such as those in science, technology, and research.

Mr. President, Senator JOHNSTON, as chairman of our subcommittee, has again demonstrated the wisdom of Solomon in trying to divide the baby as we look between the so-called present and future needs. But I congratulate him for the weaving of what I believe to be an appropriate balance of our current needs versus our future needs.

I want to thank those Members of the Senate who have sought requests for their communities in this bill. I believe we had about 1,500 requests from Members of the body to include very important and certainly justifiable local projects. But, unfortunately, most of these were not funded because of other higher priorities as I have mentioned.

I say to my colleagues your understanding of the dilemma under which we are operating is deeply appreciated. One of these days we are going to address the underlying factors and reasons for these dilemmas. We have not shown the propensity to do so up until now. I am hopeful that my life is extended long enough to see the Senate address these issues.

And the basic issues, of course, are how we interpret the term "national defense" when we will someday recognize again the Eisenhower definition which is the only President in my lifetime who understood national defense. Others have been seduced into believing it is measured only in terms of military hardware and in measurements of megatons, whereas President Eisenhower so clearly understood the national defense as involving many components.

When he launched the Interstate Highway System, he launched it as a national defense program where he indicated, unless this country is tied together by a strong, effective infrastructure, we are vulnerable as a nation. When he launched his education programs, they were national defense programs for he understood again as he stated so clearly that a well-educated body is fundamental to the security of this Nation.

I like to repeat, and it does not become redundant at any point in time to repeat his words when he said "There will come a time in this country's life when additional moneys are spent for rockets and bombs, when there are people who are hungry and not fed, cold and not clothed, far from strengthening the Nation's security will actually weaken the Nation's security" demonstrating again his understanding of a strong, productive economy, of a strong infrastructure, and a healthy nation; that an educated nation and a well-housed nation are all components of the Nation's security. And bombs and nuclear weapons will never replace or substitute for those vulnerabilities which we face today as a nation.

Now, we are vulnerable in the Nation's security picture, but it is not because of the lesser moneys that we are spending. It is because of the lesser amounts of moneys that we are spending for science, research, education, housing, nutrition, and all of these factors. They are looked at as sort of the other expenditures built as little satellites around the 050 expenditures which this budget includes in the nuclear weapons field.

That is not the issue today, and we are not going to debate that issue today. I hope I live long enough, either as a current or retired Member of this body, to hear this body take up the real fundamental issues of debate that will ultimately address the questions of what constitutes the Nation's security. Hardware? Of course, yes; it is not an either/or. I will drop that subject to say that Gary Barber on our staff, along with the distinguished staff of the majority side of this committee, have performed a noble task.

What a pleasure it is to serve with Senator JOHNSTON, and I echo his comments about the chairman of the full committee. I have not served on this committee for other than, I suppose, about 23 years without recognizing the manner in which this committee is led. I came aboard this committee when it was 13 small fiefdoms—constituted by the term subcommittees, but they were fiefdoms—and to say we operated as a single committee would have been in error. We operated as 13 confederated committees under a very, very questionable effective or efficient system.

Now, from that time to this time, when we operate as a committee under the strong leadership of Senator BYRD, is really quite an interesting contrast of 23 years.

I want to say that strength of leadership does not mean denial of opportunity for diversity and opinions expressed from both sides, the minority as well as the majority. And a full equal participating role for every member. I commend Senator BYRD for this kind of leadership. That is the reason why we are able to bring three bills this early in the session, following the receipt from the House of these bills, to the floor for final disposition.

I yield.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, H.R. 2696, the energy and water development appropriation bill for fiscal year 1990, provides funding for the critical programs of the Department of Energy, the civil works programs of the Corps of Engineers, the Bureau of Reclamation in the Department of the Interior, and several independent agencies, including the Tennessee Valley Authority and the Appalachian Regional Commission.

The bill as recommended by the committee provides total obligational authority of $18,432,972,000 and is within its 302(b) allocation. This represents an increase of $54,599,000 above the President's request and a decrease of $110,038,000 from the House bill.

I commend the distinguished chairman of the subcommittee, Senator JOHNSTON, as well as the ranking Republican on both the Energy and Water Subcommittee and the full Appropriations Committee, my able colleague and good friend, Senator HATFIELD, for their many months of work on this bill. Both Senator JOHNSTON

and Senator HATFIELD have served in their capacities as chairman and ranking member of the Energy and Water Subcommittee for many years. Senator HATFIELD chaired the subcommittee from 1981 through 1986 and Senator JOHNSTON served as the ranking minority member during those years. They are two of the hardest working members of the Appropriations Committee and are of great assistance to me in my capacity as chairman of the Appropriations Committee.

The late Senator Allen Ellender, who was chairman of that committee for some time, used to refer to it as the "Salt Mine" of the Senate. And I am proud to be associated with such hard-working, diligent, effective conscientious members as Senator JOHNSTON and Senator HATFIELD.

Again, I congratulate Senators JOHNSTON and HATFIELD, and I thank the staffs of those Senators and of the subcommittee, and again, the staff of the full committee for the able work that is performed by all concerned. The bill as reported by the Appropriations Committee deserves the support of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I thank my friend from West Virginia, the distinguished chairman of the full committee for his comments, and I do not know if he was on the floor earlier, but I said what a privilege and pleasure it has been to work under him in his chairmanship of the full committee.

AMENDMENT NO. 431

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

The PRESIDING OFFICER. The clerk will report the amendment.

The clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], proposes an amendment numbered 431.

Mr. JOHNSTON. 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 48, line 13, after the sum "$9,554,098,000," insert the following: "of which "$1,597,031,000 is for Defense Waste and Environmental Restoration activities including $658,467,000 for Waste Operations and Projects,".

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, this is a technical amendment to correct printing errors contained in the report and the intent of the committee, in the allocation of funds between the inertial confinement fusion program and the defense waste cleanup activities.

On page 142 of the report under inertial confinement fusion, the correct amount for the Senate allowance for the capital equipment line is the same as the President's budget estimate, which is $8,740,000 in lieu of the $24,040,000 shown in the report. This correction makes a total for inertial confinement fusion of $173,940,000 in lieu of the $189,240,000 shown in the report. The difference of $15.3 million is for defense waste and environmental restoration, which can be found on page 160 of the report.

On the table the operating expenses line under B, waste operations and projects, it should be corrected to show that the Senate allowance is $658,467,000 in lieu of the amount shown on the report of $643,167,000. This correction reflects the increase of $15.3 million.

Mr. President, these were printing errors in the report, and are all technical in nature.

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

If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 431) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 432

AMENDMENT NO. 433

(Purpose: To require a study regarding the water quality and environmental enhancement of Onondaga Lake, New York)

AMENDMENT NO. 434

AMENDMENT NO. 435

(Purpose: To designate part of the Papillion Creek Basin Project as the "Ed Zorinsky Recreation Area")

AMENDMENT NO. 436

Mr. JOHNSTON. I have a series of five amendments which I would momentarily offer en bloc. They are noncontroversial amendments which I will explain as follows: The first amendment, No. 432, on behalf of Senator ADAMS, is a technical amendment to change a project authorization. This has been cleared by the authorizing committee.

The second amendment, No. 433, on behalf of Senator MOYNIHAN, provides for a study within available funds for Onondaga Lake in New York.

The third amendment, No. 434, on behalf of Senator SANFORD, provides $500,000 for reassessment of the Manteo project in North Carolina.

The fourth amendment, No. 435, on behalf of Senator EXON, names a recreational facility after our former late colleague, Senator Ed Zorinsky.

The fifth amendment, No. 436, on behalf of Senator DECONCINI, modifies a project authorization for the Rillito River in Arizona, a flood control project. That has also been cleared by the authorizing committee.

So, Mr. President, at this time I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. These amendments have been cleared on the minority side and with the authorizing committees.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. ADAMS, Mr. MOYNIHAN, Mr. SANFORD, Mr. EXON, and Mr. DECONCINI, proposes amendments numbered 432, 433, 434, 435, and 436.

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

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

The amendments are as follows:

AMENDMENT NO. 432

On page 29 after line 10 add the following new section:

SEC. . Section 4(t)(3) of the Water Resources Development Act of 1988 (102 Stat. 4021-4022) is amended by adding at the end of subparagraph (3)(E) the following new subparagraph:

"(F) Upon transfer of OMR&R responsibility to the city in accordance with the provisions of this subsection, the Secretary shall further modify the project contract to forgive the city's OMR&R payment obligations in excess of $200,000 for the period beginning October 1, 1988 and ending September 30, 1989, provided that the total amount forgiven shall not exceed $600,000."

AMENDMENT NO. 433

On page 7, line 9, before the period at the end of the line, insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $250,000 of the funds appropriated under this heading for a comprehensive reconnaissance study to determine what improvements in the interest of water quality and environmental enhancement are advisable for Onondaga Lake, New York".

AMENDMENT NO. 434

On page 7, line 20, strike the figure "$1,022,270,000" and insert in lieu thereof "$1,022,770,000".

And on page 14, line 17, add the following before the colon: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 of the funds appropriated herein to complete a reassessment of the Manteo (Shallowbag) Bay, North Carolina project, including a reanalysis of a sand-bypass system and the effect of stabilization measures undertaken by the State of North Carolina on the overall project".

AMENDMENT NO. 435

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

SEC. . The lake and recreation area at Dam Site 18 of the Papillion Creek Basin Project in Nebraska shall, on and after the date of enactment of this Act, be known and designated as the "Ed Zorinsky Lake and Recreation Area". Any reference to the area containing such dam site and its lake and surroundings in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ed Zorinsky Lake and Recreation Area.

AMENDMENT NO. 436

At the appropriate place in the bill add the following:

Notwithstanding section 601(B) of Public Law 99-662, the project for flood damage prevention, along the Rillito River, Pima County, Arizona is authorized for construction in accordance with the plans described in the report of the Chief of Engineers dated January 22, 1988 at a total cost of $19,600,000 with an estimated first Federal cost of $14,600,000.

WYNOOCHEE LAKE DAM—AMENDMENT NO. 432

Mr. ADAMS. Mr. President, I rise today to bring the Senate's attention to a funding problem regarding the transfer of operation and maintenance of the Wynoochee Lake project to the city of Aberdeen, WA.

Wynoochee Dam was authorized for construction in 1962 for the purpose of water storage, flood control, and potential future hydropower development. Under the legislation, the cost of operating and maintaining the dam was split between the city of Aberdeen and the Federal Government. Over the years the cost of operating the dam has escalated beyond the city's ability to pay. In the spring of 1988, the city informed the congressional delegation that it could no longer pay its share of the costs and asked to have the operations and maintenance responsibility transferred to the city. The Water Resources Development Act of 1988 authorized this transfer from the Corps of Engineers to the city of Aberdeen.

Although the act authorized the transfer of operations and maintenance after September 30, 1988, transfer has not yet taken place. I am very concerned about the delay in O&M transfer, as the city of Aberdeen cannot support additional financial burdens imposed by an extended transfer process. As a result of the delay in transfer, it appears that Aberdeen will be obligated to pay as much as $400,000 in additional fiscal year 1989 operations and maintenance costs above Aberdeen's original understanding of such costs.

The legislation that I offer today is intended to relieve Aberdeen of these unanticipated costs of operations and maintenance transfer. It forgives the city's operations and maintenance costs over $200,000 for a 1-year period ending on September 30, 1989. This sum shall not exceed $600,000. The ability to forgive these costs is authorized in the 1988 Water Resources Development Act.

Mr. President, I appreciate the Senate's consideration of this very difficult situation and our attempts to assist the city and the Corps of Engineers to the successful completion of the operations and maintenance transfer.

AMENDMENT NO. 435

Mr. EXON. Mr. President, this amendment would designate dam site 18 of the Papillion Creek project as the Ed Zorinsky Lake and Recreation Area. I have checked with both the majority and minority sides of the Senate Environment Committee which has no objection to offering this measure to the appropriations bill.

My friend Ed Zorinsky served the people of Nebraska with distinction here in the U.S. Senate before his untimely death in 1987. He is deeply missed by his wife Cece and the rest of his family. Ed Zorinsky is also missed by that broader family of Nebraskans who admired his sense of conviction, appreciated his ability to get things done, and felt at home with the unassuming way he carried out his duties. He was truly a man of the people and he served the citizens of Nebraska, his Nebraska "family" if you will, very well.

Dam site 18 of the Papillion Creek project will provide a very fitting memorial for Ed and I urge this amendment's immediate adoption.

Mr. President, I ask unanimous consent that a letter to Senator JOHNSTON, and the same letter having been sent to Senator HATFIELD, from Senators BURDICK and CHAFEE be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, July 24, 1989.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC

DEAR BENNETT: We understand that Senators Jim Exon and Bob Kerrey of Nebraska intend to offer a floor amendment to H.R. 2696, the Fiscal Year 1990 Energy and Water Appropriations measure, which would name Dam Site 18 at the Papillion Creek project near Omaha, Nebraska, in honor of our late colleague Ed Zorinsky.

Senators Exon and Kerrey have been in communication with us on this matter. Although the Committee on Environment and Public Works has jurisdiction over the naming of facilities constructed by the Corps of Engineers, we do not object to this amendment. It is in compliance with this Committee's rules on the naming of public facilities.

With kind regards, we are,

Sincerely,

JOHN H. CHAFEE,
Ranking Minority Member.

QUENTIN BURDICK
Chairman.

The PRESIDING OFFICER. Is there further debate on the amendments offered en bloc?

If not, the question is on agreeing to the amendments, en bloc.

The amendments, numbered 432, 433, 434, 435, and 436, were agreed to, en bloc.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I have been informed of no amendments. I know Senator BRYAN wants to make some comments which can be done after third reading. I believe we are ready for third reading, Mr. President.

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

Mr. JOHNSTON. Mr. President, I am advised that there are two amendments, one on behalf of Senator PRYOR and one on behalf of Senator BUMPERS.

Mr. HATFIELD. Mr. President, recently Secretary of Energy James Watkins addressed the Western Governors' Association in California and expressed some very strong support for an issue of grave concern to Western States; that is, the transportation of nuclear waste and nuclear materials over interstate highways.

I ask unanimous consent to print in the RECORD a letter dated June 19, 1989, to Secretary Watkins from seven western governors on this issue.

I want to congratulate and encourage the Secretary to further pursue this matter within the Department.

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

WESTERN GOVERNORS' ASSOCIATION,
Denver, CO, June 19, 1989.

Hon. JAMES D. WATKINS,
Secretary, Department of Energy, Washington, DC.

DEAR SECRETARY WATKINS: Within several months the U.S. Department of Energy (USDOE) plans to start trucking plutonium-contaminated nuclear weapons waste through our states. At least 22,000 shipments are projected over the twenty-five year campaign. They are bound for the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. In the first few years of WIPP's operation the shipments will originate from weapons production facilities in our region.

Enclosed is an advance copy of our report to Congress on how we wish to work with the federal government on the safety of these shipments. The report has been prepared at the request of Congress and through a cooperative agreement between the U.S. Department of Transportation (USDOT) and Western Governors' Association.

We are committed to working with USDOE to make this shipping campaign safe and successful. In order to make this effort successful the public must be confident in its safety. Lack of confidence will cause public concern to the point of halting shipments. We recognize that these shipments are needed for the proper disposal and clean-up of wastes from U.S. weapons production facilities. We stand ready, along with our western colleagues, to help the federal government ensure the safety of these shipments and enhance public confidence in that safety.

Our states and local communities have a role in safety and public confidence. State inspectors and highway safety professionals will be involved in preventing accidents. Local emergency crews and state radiation protection staff will be involved in handling accidents.

The federal government ultimately is responsible for the safe handling of these wastes. Transport imposes significant new risks and costs on our states. We firmly believe that the federal government must help finance the states' role in ensuring safety, thus the success of this effort.

The enclosed report is due to Congress through the USDOT on July 15. We will request that Congress provide at least $1.5 million to the western states for fiscal year 1990. This will supplement the 1989 appropriation to finance our states' role to set up a safety program. We will further recommend that Congress include in USDOE's annual budgets sufficient funds to support our states' work for the twenty-five years of shipments.

We believe the recommendations contained in the Report are reasonable and cost effective ways to enhance safety and public confidence. We will work together to set up uniform programs in the western states. And, we are committed to working with the federal government to make this campaign safe and successful. We look forward to your response at the Western Governors' Annual Meeting July 16-18, in Long Beach.

Roy Romer, Governor of Colorado; Garrey Carruthers, Governor of New Mexico; Norman H. Bangerter, Governor of Utah; Michael Sullivan, Governor of Wyoming; Cecil D. Adams, Governor of Idaho; Neil Goldschmidt, Governor of Oregon; Booth Gardner, Governor of Washington.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, if I might inquire of the distinguished chairman, I do wish to make some extended remarks. He and I talked previously about permitting amendments to proceed. If they are not ready, I am, and if he has no objection, I would like to seek recognition for that purpose.

Mr. JOHNSTON. Mr. President, I appreciate the cooperation of my friend from Nevada.

I think now would be a good time for him to make those extended remarks.

For the benefit of Senators PRYOR and BUMPERS who have amendments, would the Senator care to make an estimate of when they might come to the floor?

Mr. BRYAN. Mr. President, I would think I would not be more than a half hour and perhaps less.

Mr. JOHNSTON. Mr. President, before the Senator is recognized, I know of no other amendments other than those of Senator PRYOR and Senator BUMPERS. I wonder if we might ask unanimous consent that no other amendments be in order or amendments to any amendments other than those two.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. I wonder if I might have an opportunity to present, or yield to a colleague for presentation of, an amendment. There is a partial bit of information we have that there may be one offered from our side. I would be very happy to agree with that unanimous consent request if the Senator would give a slot for me to offer or for him to offer an amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I would then ask unanimous consent that no other amendments be in order other than one on behalf of Senator PRYOR and one on behalf of Senator BUMPERS, with no perfecting amendments to those two amendments being allowed, and an amendment on behalf of Senator HATFIELD and an amendment on behalf of myself.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. If the Chair will withhold, I would like to add an amendment on behalf of Senator METZENBAUM to the list.

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

Mr. JOHNSTON. Mr. President, I am advised that our efforts to get a unanimous-consent agreement may have been more difficult than helpful, so I ask unanimous consent that the unanimous-consent agreement just agreed to be vitiated.

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

The PRESIDING OFFICER. The Senator from Nevada.

HIGH-LEVEL NUCLEAR WASTE

Mr. BRYAN. Mr. President, I rise to speak with a sense of indignation and outrage over terms that appear in the Appropriations Act that we are about to vote upon. These provisions are unfair to my State. They are unreasonable. They are onerous and in my opinion they are unconscionable. I refer specifically to those provisions that address the high-level nuclear waste site at Yucca Mountain, NV, and the restrictive language contained in both the act itself and in the report language accompaning the bill.

In order to understand the perspective from which I speak, I would like to retrace a bit of history as it relates to the nuclear waste policy of our country.

In 1982 the Congres adopted the Nuclear Waste Policy Act. It may not have been a perfect piece of legislation but it did reach a series of compromises, and it was a delicately and carefully crafted piece of legislation. In effect, by adopting it, Congress said that no region in our country should unfairly bear all of the burden of high-level nuclear waste disposal. Indeed, there would be regional parity. There would be a site in the East. There would be a site in the West.

In addition, the act fully contemplated that the States ultimately selected for site characterization would participate as partners, that there would be funding provided by the Congress from the nuclear waste fund for the States to conduct an independent oversight of DOE, to independently evaluate and to develop scientific data that ultimately would be presented to the Nuclear Regulatory Commission if licensing were sought based upon that study.

The Department of Energy was the agency charged with the responsibility of administering the 1982 act.

Mr. President, I must say that we in Nevada had an expectation that the interpretation and the application of that act would be fair. Indeed, at the outset, there were expectations and hope that fairness and scientific data would be the driving force behind the selection process.

Unhappily, Mr. President, that has not been the case. No sooner had the act been signed into law than the Department of Energy refused to make funds available to those States which had been preliminarily designated as study areas. I refer particularly to the State of Texas, to the State of Washington, and to my own State of Nevada.

Indeed, the Department of Energy became so unyielding that it was necessary for the respective attorneys general in each of those States to file suit against the Department of Energy to secure the release of funds which the act contemplated would be made available to each of the States to conduct their own independent—and I underscore the word "independent"—scientific evaluation.

The States were successful at the U.S. district court level, but that did not stop the Department of Energy. They continued to resist and ultimately the case was appealed. The appellate court affirmed the decision of the district court and indicated that the Department of Energy make those funds available to the State. Notwithstanding the decisions of the U.S. district court and the appellate court, it became necessary for a committee of the Congress to direct the Department of Energy to release the funds so the States that had been preliminarily designated as site characterization States would have money available for independent oversight.

Let us move to 1985. You will recall that the act contemplated regional parity with no one part of the country forced to bear the burden of all of the nuclear waste generated in America. There would be a site in the East and a site in the West and the Secretary was mandated to observe that provision in the law.

In the late spring of 1985, former Secretary of Energy Harrington, unilaterally, without any basis in fact, basis in science or basis in statute, abandoned the eastern site. Mr. President, I think that the Congress would like to believe and all Americans would like to believe that that decision was somehow generated as a consequence of scientific data, indicating that there was some problems or disqualifications with respect to that site. That was not the case.

In a subcommittee convened by the other body, the Department of Energy's internal documents made it abundantly clear that the politics of the site selection process, not the technical merits of the sites, was the basis upon which the Secretary reached that conclusion.

Move along with me, if you will, to 1987. In 1987, with strong support from the administration and an unwise decision by this Congress, the Nuclear Waste Policy Act of 1982 was subjected to substantial amendments—amendments which, in my view, were unfair, reflects bad policy, which will ultimately cause the waste of billions of dollars of taxpayers and utility consumers.

The thrust of the 1987 amendments was not that three sites would be characterized and the best site developed as the original act contemplated, but instead it provided that all of the research, all of the evaluation, all of the scientific efforts, would be focused on a single site. That site was Yucca Mountain, NV.

That brings us to 1989. The Appropriations Act, Mr. President, contains language which provides in part—and I shall read: *"Provided further,* That not more than $6 million may be provided to the State of Nevada at the discretion"—at the discretion—"of the Secretary of Energy to conduct appropriate activities pursuant to the act."

Mr. President, those appropriate activities are the oversight, the independent scientific evaluation which was part and parcel and a central feature of the 1982 Nuclear Waste Policy Act.

In addition to this provision of the act, report language, contained at page 132, makes it abundantly clear that until such time as the State ceases its opposition to the high-level site—until such time as the State capitulates, it concludes, it agrees, it acknowledges that Yucca Mountain shall be the site—that $6 million provided in the act will be withheld. The Secretary of Energy is directed to make a certification that indeed that Nevada's cooperation is forthcoming before that money can be released.

Mr. President, what possibly can be the justification for these provisions? It is no secret that we in Nevada believe that there has been a vendetta waged against us; that these provisions represent neither good public policy nor good science. I suppose it can be argued that the State has been adversarial, and therefore, the State shall be punished by giving the Secretary of Energy the exclusive discretion in making those funds available to the State.

Mr. President, I would like to believe—and I believe most Americans would like to believe—that the effort to locate a high-level nuclear waste dump in this country ought to be a search for the truth. And if it is to be a search for the truth, what objection can reasonably be made that other scientists, similarly qualified, have serious scientific reservations about the suitability of the high-level nuclear waste dump at Yucca Mountain?

In our search for truth in our judicial system, we have recognized that the adverse system is the most efficacious system devised in the history of civilization as a tool for the ascertainment of truth. Yet, by the provisions that are contained in this Appropriation Act, I would presume it is that adversarial relationship that has developed between the State of Nevada and the Department of Energy which is used as the ostensible basis to penalize a State, and it is critically important.

This is not just an issue that concerns Nevada; it is an issue that concerns America. All should be interested in making sure that whatever site, if any, is ultimately selected bears the closest scrutiny in terms of its scientific suitability.

It has been suggested that we ought to trust the Department of Energy; they will be fair with Nevada; they will be reasonable. The record is otherwise. From Ohio to the Rocky Mountains, the Department of Energy has left a record of monumental ineptitude in its management of the nuclear weapons production program that will cost the American taxpayers, it has been estimated, more than $100 billion.

The DOE project in New Mexico, the WIPP project for transuranic waste, is well behind schedule. Critical technical flaws have been uncovered, notwithstanding the reassurances by the Department of Energy, and it is unclear if that site will ever open as it was originally contemplated.

Mr. President, we have been to this dance before. In the late 1960's, the predecessor agency of the Department of Energy, the Atomic Energy Commission, was charged with the responsibility of developing a high-level nuclear waste program. After what the Atomic Energy Commission believed was extensive scientific evaluation, they selected a site in Lyons, KS. But for the independent scientific analysis that was brought to bear by the State of Kansas, that site would have been the site in which all of the Nation's high-level nuclear waste would be shipped.

For some 8 years, the Lyons, KS, site was AEL's site of choice, the site of preference, for the final disposal of nuclear waste. They were as adamant and as vocal and as insistent that this was an appropriate and safe site, that it was scientifically suitable, as DOE is today in its zealous commitment to place high-level nuclear waste in my own State at Yucca Mountain.

As I have said, happily for the good people of Kansas, happily for America, the science developed by the State of Kansas indicated that there were serious geological flaws occasioned in large part because of extensive drilling activity that occurred in Kansas over the years and the site that was so selected was abandoned as a result of that independent scientific data. I suppose putting it in the context of the arguments that we hear debated now, that decision was made because of an adversarial position taken by the State of Kansas. But it was the right decision—the Lyons, KS, site was unsafe.

Nevada has consistently maintained that there are serious scientific and technical flaws, flaws that would disable, that would disqualify the high-level nuclear waste dump in Nevada. They are centered around questions of hydrology, questions of geology and questions of scientific evidence that there has been recent seismic and volcanic activity in the region. For these reasons, Yucca Mountain is also unsafe for high-level nuclear waste disposal.

To date, the Department of Energy has spent over $3 billion in the site selection process.

Mr. President, they have very little, other than a pile of papers, to show for it.

The Nuclear Regulatory Commission had occasion to evaluate the scientific data-gathering procedure employed by the Department of Energy. This was the quality assurance program that gathered core samples and other scientific data, which would be used, if the selection process proceeded, to be presented to the Nuclear Regulatory Commission at the time that licensing would be sought for the high-level nuclear waste dump at Yucca Mountain.

The incompetence of the Department of Energy was such that all of that scientific data that have been collected, all of those samples were determined by the Nuclear Regulatory Commission to be so suspect from a scientific point of view that the data was thrown out.

A General Accounting Office report concluded, "Among NRC's major concerns were ones specifically addressing the adequacy of DOE's quality assurance program and three pertaining to the preliminary design of the exploratory shaft facility."

Subsequently, the NRC, the Nuclear Regulatory Commission, "concluded that the latter three concerns are also symptomatic of a larger quality assurance problem."

In October 1988 the Department of Energy agreed with the Nuclear Regulatory Commission's discussion.

In January 1988, a distinguished scientist by the name of Szymanski made available to a number of people his analysis about the hydrology of Yucca Mountain. Mr. Szymanski is an employee of the Department of Energy. I must say, Mr. President, he is probably not a favorite of his colleagues and associates. Most of them are committed, in my view blindly to the evidence that indicates the contrary, that the site that should be selected is Yucca Mountain. Mr. Szymanski had the courage to circulate his report.

In January 1988 I had the honor and privilege of serving as Governor of Nevada. That report came to my attention and I released it to the public. One would speculate whether the Department of Energy would have ever released it but for the fact that others had gained access to it and knew of its contents.

As Mr. Szymanski has recently concluded, "Furthermore, the local geohydrologic conditions, as summed up by both of the conclusions"—conclusions which he made—"are very severe and, within the context of current Federal regulations, create a situation whereby favorable licensing action with respect to the Yucca Mountain site is not a likely possibility."

Translated into the ideom of the street that simply means that this site cannot and will not be licensed.

Immediately after the report was released, the Department of Energy said yes, we will convene a panel to review this; a panel that was composed of appointees made by none other than the Department of Energy. That review has recently been concluded just a few days ago.

Mr. Szymanski has done more work and has reevaluated and reexamined the conclusions which prompted him to reach his conclusion in the earlier report. Mr. Szymanski has reaffirmed his earlier position and today he remains more convinced than ever before that Yucca Mountain is not a good place for nuclear waste.

Mr. Presisdent, the Department of Energy pays little heed to critical reports because they are inconsistent with the agency's thesis that this must be the site and, indeed, presure is building because there is now only one site being considered and come hell or high water, Yucca Mountain must be made suitable for purposes of that repository.

Scientists of the U.S. Geological Survey, not scientists for the State of Nevada, but a Federal agency, went on to report in August of last year, 1988:

> It is appropriate to refer to the Challenger space shuttle disaster as a profound example of what happens when management is unresponsive to the concerns of the technical staff. . . . It is our urgent recommendation that we prevent our own Nevada nuclear waste storage investigations disaster by making USGS management aware that in subjugating the technical program to satisfy DOE political objectives, may succeed in making the program comply with regulations while being scientifically indefensible.

Scientifically indefensible, Mr. President, is the operative language.

Dr. Makhijani, a scientist who is connected with an independent research organization, issued his independent report in the spring of 1989. This is what he had to say:

> The selection of the Yucca Mountain site in Nevada as the only site for study by way of the 1987 amendment to the Nuclear Waste Policy Act of 1982 was the last in a series of steps based upon poor science, technically indefensible standards, some of which have been thrown out by the courts, and political expediency. It was based on a sense of urgency about building a repository, which is not borne out by a careful examination of the problem.
>
> It is a risky course, which might further erode public confidence in the Government's abilty to manage this program with integrity, and which might result in further long delays and misdirected large expenditures.
>
> From a technical standpoint, the program has proceeded in reverse from its beginnings. A technically sound program would define the health and environmental objectives first, and then try to study the various ways in which the objectives might be attained. It would also recognize the enormous uncertainties faced by this unique enterprise, and attempt to address them.
>
> Instead, an early hunch that salt would be a satisfactory geographic medium for burying wastes, performing to unspecified standards of containment and public health protection, was allowed to monopolize about 2 decades ago our effort, littered with embarrassing failures, notably at Lyons, Kansas in the early 1970's.

To which I alluded earlier.

In addition to the reservations expressed by Dr. Makhijani, there are those stated very recently by Dr. Trapp, a distinguished scientist with the Nuclear Regulatory Commission. Mr. President, it is the Nuclear Regulatory Commission that I emphasize again is the quasi-judicial body that ultimately will be called upon to issue a license if indeed the efforts to locate a high-level nuclear waste site proceed. Dr. Trapp is a senior geologist with that agency who earlier this year made this statement—Dr. Trapp writes:

> I therefore am of the opinion that this is not the site at which we should be trying to license the first high-level radioactive repository.

Mr. President, how many more warnings do we need? The USGS has raised concerns, the Nuclear Regulatory Commission on two occasions has raised concerns; Dr. Makhijani has raised serious concerns. And a scientist within the Department of Energy has had the courage to express his independent conviction that says, in effect: Look, we better proceed very carefully. This site is not going to work out, in our judgment.

Mr. President, just this morning in the Washington Post, Secretary Watkins of the Department of Energy made a statement that reconfirms a statement that he made earlier this year. In an article appearing in the New York Times a few weeks ago, the Secretary said, referring to the Yucca Mountain site:

> It has been a nightmare for me to try to unravel the background sufficient to make some decisions.

He went on to say: "It has been very confusing. Each day has revealed to me some new technical information."

Yesterday, Secretary Watkins was again commenting on the Department of Energy and its nuclear waste management program, and I use his language, not my own, when he acknowledged in the Washington Post that the Government has "no credibility when it comes to nuclear waste management, a key element of the future use of nuclear energy."

Mr. President, why should we in Nevada, we as Americans allow the Department of Energy, whose credibility has been seriously damaged with respect to the nuclear production programs, the high-level nuclear waste management program, and indeed I think it is hard to find any program in which they would get high marks for management, have the sole discretion as to whether the State of Nevada ought to get that $6 million to conduct independent oversight of DOE's nuclear waste program?

The concerns that I have, Mr. President, about the competency and the objectivity of the agency to perform such a discretionary function appear again this morning in the Washington Post when the chairman of the Senate Armed Services Committee indicates that he believes that an independent panel is necessary to conduct the evaluation of the cleanup program of the nuclear production efforts in our country and that the Department of Energy should no longer be exempt from independent scrutiny.

Mr. President, what we ask is fairness; fairness for Nevadans, fairness for Americans. What we seek is a decision, that is based upon good science, not political expediency, not because one State has more or less electoral votes than another, or more or less

representatives in the Congress of the United States.

History, Mr. President, has a way of repeating itself. Twenty years ago it was Lyons, KS. They were committed to that site and it proved to be scientifically unsuitable as a repository. Twenty years later, the enthusiasm, the commitment, the zeal, the single-mindedness of purpose which we have seen with the Department of Energy, citing Yucca Mountain as the site, irrespective of independent warnings, irrespective of new evidence that continues to be developed every month of every year that this site has major problems.

Mr. President, if we continue to ignore those warnings, we do a great disservice to the nuclear power industry which has been pressuring the Department of Energy all these years to locate a site located immediately, and we do a disservice to the American taxpayers because it is a decision that will ultimately cost us billions of dollars more than the $3 billion that has been wasted upon this program. Mr. President, the language contained in this appropriations bill adds insult to injury, and it defies logic, reason, and the dictates of good science.

It would be my position, Mr. President, that an adversarial system in which every valid scientific opinion could be weighed would best serve our country's interest. Fairness should be applied. And I am convinced if such a standard were reasonably and objectively applied, the Yucca Mountain site would not meet scientific criteria, it would not be qualified, and the country could then come back to the drawing board and consider with an open and fair-minded approach, how we can best resolve the problem of high-level nuclear waste in our country.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 439

(Purpose: To revise and clarify language relating to minority participation in the Superconducting Super Collider)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 439.

Mr. DOMENICI. 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 56, line 14, strike all beginning with the word "and" through the word "seq.))." on line 16, and insert in lieu thereof the following: "colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans, or Native Americans. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women:"

Mr. DOMENICI. Mr. President, there is a 10-percent set-aside for disadvantaged minorities in the superconducting appropriations section of this bill. I think my amendment makes the provision more fair.

My amendment defines minorities beyond those that are clearly defined to be black institutions; it defines Hispanic and it defines Indian very specifically.

Any university that has 20 percent Hispanic or Native American students will be defined as minority on that side of this amendment. In this way, several universities in Texas and the two major universities in my own State of New Mexico will have to attract disadvantaged students who are Hispanic and Native Americans, as well as blacks. They will have to do that if they wish to work on the super collider.

In the general language, if we are going to go along with minority references, we ought to have women who are economically disadvantaged included. That is our general definition in set-asides. So my amendment does those three things. I believe both sides have agreed to accept my amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we will accept the amendment.

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

So the amendment (No. 439) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I want to rise in strong support of the measure before us, H.R. 2696, making the appropriations for energy and water development for fiscal year 1990. I might add, included in this act are a number of critical projects, vital, indeed, to the economic well-being of my whole State of Pennsylvania. Mr. President, for example, in this bill, we have some $43 million to upgrade and modernize two locks and dams, Gray's Landing and Point Marion, lock Nos. 7 and 8, on the Monongahela River. This is a massive effort and it represents a great leap forward in modernizing all of Pennsylvania's and part of West Virginia's river transportation system. I want to thank the committee for their recognition of the importance of these two modernization projects and that they have allowed them to proceed concurrently and, I might add, for good reason.

The reason is that some 95 percent of the commercial tonnage moving through this portion of the Monongahela River transits lock and dam 7 and lock and dam 8. Furthermore, the replacement projects will both widen and lengthen the lock's chambers to accommodate larger barges moving through. That is one of the chief benefits. Unless both projects proceeded together and, therefore, concurrently, the larger barges could not be used. They would be bound to go through the smaller lock and use only the smaller barges, and the resulting savings, which are estimated about $65 million a year, simply would not be realized if they could only transit one of the two locks with the larger barges.

I should also point out that these projects are going to create some 1,300 construction jobs over the next several years for which we are obviously quite grateful.

Mr. President, the act contains funding for a number of other Pennsylvania projects. Among those is $6.5 million for Presque Isle in Erie, PA; 41.3 million for levy raising in the Wyoming Valley; and $3.3 million for flood control in Tamaqua. I urge my colleagues to support the passage of this important bill. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in strong support of the committee bill, and I would like to make a few comments about a major element in this bill having to do with what I believe will be the most important scientific project undertaken anywhere in the world in the last quarter of the 20th century, and that is the superconducting super collider.

Mr. Speaker, I begin by congratulating the members of the subcommittee for their vision in providing $225 million for starting this new and important program in an era of tight budgets. It is always tempting, Mr. President, for us to invest in the next election by spending money on programs that have immediate impact when the votes are cast and counted on the first Tuesday after the first Monday of every other year.

It is not equally easy for us to make investments that will yield a return in the next generation in terms of jobs, growth and opportunity for all of our people.

In deciding to take a longer view, I believe that the Subcommittee on Energy and Water has performed a great service for the people of America. I believe a great service has been performed for the people of America because this is an investment in the kind of primary research that has his-

torically made America the most competitive and productive Nation in the world.

We have had questions obviously raised about such a big project. During our debate in committee, questions were raised that made a comparison between this new project and the Synthetic Fuels Corporation, a project which, in the final analysis, squandered billions of dollars.

Mr. President, I think that comparison was an unfair comparison and let me explain why. First, the Synthetic Fuels Corporation was not primary research. In fact, it was not research at all. It was a project that sought to use the Federal Government as a manager, a planner, and a technician in taking the 40-year-old technology of liquefication and gasification of coal—technology that is being used today in several areas of the world but only with whopping Government subsidies, I might add, taking this technology and trying to prove through the development of prototype plants the feasibility of that technology. The goal was not whether the process would work or not but whether you could earn a profit and operate a business at least at a break-even point through that process.

Mr. President, we ought not to be surprised that the project failed. In fact, if government development of industrial policy made sense, they would not be rioting in Moscow and Beijing. They would be rioting in New York and Washington, DC and in Dallas.

In truth, the Synthetic Fuels Corporation was a bad idea. It represented an investment in old technology that had never proven to be economically viable. When oil prices went down, the whole process collapsed. By contrast, Mr. President, the SSC is an investment not in commercialization of anything. It is investment in pure research. It is an investment in a scientific machine that will allow us to see more in understanding the fundamental nature of matter than we have ever seen before.

While it is a new and daring project of almost unimaginable scope, it is simply building on something we have already done. In fact, when man first developed a microscope, he was taking the first step toward what we hope to achieve in terms of a quantum jump in our ability to see into the fundamental nature of matter. We operate today, in several locations in the United States, various accelerators which in layman's terms represent nothing more than giant magnifying glasses to allow us to see more. We have learned a great deal from these machines. We have applied that technology to the development of products that have created jobs, growth and opportunity for our people.

What we are doing today is taking the next logical step toward building a machine that will be a quantum jump in terms of our capacity to understand the nature of matter.

The implications for this investment in terms of transportation, medicine, science and productivity in thousands of new products and millions of new jobs cannot be measured today.

Primary research has been good to America. From the colonial period, we have always had the highest living standards and the highest wage rates in the world. We are committed to keeping it that way, but we cannot achieve it by wishing it so. We can only achieve it by investing in making Americans the most productive people on Earth. Ultimately, our ability to compete depends on our capacity to train young men and women to have skills, and then to develop the tools and the technologies that will make them competitive.

The most powerful thing in the world is an idea, and this magnificent machine will give us the capacity to test new ideas, to convert them into the kind of pure research that then can be industrialized and made commercial, not by government but by the private sector of the economy.

Mr. President, obviously I am happy that this project is going to be in the State of Texas. There is not one here who would not be similarly proud if it were in their State. But let me remind my colleagues that we went through a vigorous competition that initially involved over 40 applications. Those applications were assessed by the National Academy of Sciences, the National Academy of Engineering. We reduced down to seven competing sites and Texas was the ultimate winner.

Also, Mr. President, Texans were willing in the midst of a recession to impose a long-term tax on themselves to be able to put $1 billion on the table of State funds that we were willing to put up as our part of building this project.

While we are proud of it, while we look forward to having an opportunity to be leaders in this area of high-energy physics that is so important to the future of America and the future of mankind, this is America's project. This is America's project because there will be a lot of people and a lot of States that will be involved in its construction and its operation. It is America's project because our Nation will have the advantage that comes from the primary research being here and the first potential impact in spin-offs. So this project is being built in Texas. Texans are putting up roughly one-fifth of the money to pay for it, but it is America's project.

I thank our dear colleague, Senator JOHNSTON, from Louisiana, and I thank our colleague, Senator HATFIELD, from Oregon, for recognizing the importance of this project, and in an era of very tight budgets investing not in the next election, not in some project that is going to create a ground swell of political support by the November election, but investing in a project that 10 years from now, 20 years from now, 40 years from now will make America more competitive, that will create millions of jobs for our people, that will raise our living standards, that will enhance our ability to produce, enhance our ability to heal the sick, and enhance our ability to create new marvels of technology that we today cannot even contemplate.

So obviously I am delighted with the results of the committee's deliberations. I urge my colleagues to support this project, which is vitally important.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I wish to take a few moments to thank the leadership of the committee, including our very good friend and dedicated appropriator, Senator BENNETT JOHNSTON, for his leadership in a whole series of measures on the bill that is before us. I too urge that the Senate adopt the bill that I think was very well thought out, very carefully crafted, and is a measure which should be fully supported by the Senate.

Mr. President, the energy and water appropriations bill contains the appropriations for the Department of Energy's atomic energy defense activities. These activities, which are also known as the Department of Energy's defense programs, are authorized as part of the annual Defense authorization bill.

The increased funding for DOE cleanup in this bill reflects the severity of the problem and the commitment of the Appropriations Committee to addressing it.

This year the Armed Services Committee has also devoted considerable time and attention to the problems facing the Nation's nuclear weapons complex. All of us are aware that the Department of Energy faces a crisis in managing its defense facilities and in meeting environmental and safety requirements. The United States is currently unable to operate any of its defense reactors due to safety problems. Six of the major sites in the nuclear weapons complex have just been named to the Superfund's National Priority List of the most serious hazardous waste sites. And the FBI is investigating the Rocky Flats plutonium plant outside of Denver for possible illegal storage of nuclear waste.

Mr. President, I could list many more serious problems occurring throughout the nuclear weapons complex, but I think the point has been made: The Department of Energy's nuclear weapons complex will require significant additional funding in the coming years to address the many problems it faces.

The estimated costs of fixing these problems are astronomical. Cleanup costs alone could run as high as $4 billion per year on average. Last year we spent less than $1 billion per year on cleaning up DOE's contaminated sites. The Armed Services Committee will provide significant increases in funds for the DOE's waste cleanup program. Both this appropriation bill and the House appropriations bill recommend increase funds for DOE cleanup.

However, Mr. President, the House appropriations bill provides about $140 million more than the proposed Senate bill to fix the problems of DOE's nuclear weapons complex. I know that the Appropriations Committee labors under considerable constraint in determining its overall funding levels. But let me suggest in this very important area of DOE cleanup that the Appropriations Committee should, in conference, adopt the higher House number for DOE's nuclear weapons complex.

This additional funding would be devoted to cleaning up contamination at some of the Nation's most polluted sites. We cannot afford to shortchange this critical effort. Let me thank my distinguished colleagues on the Energy and Water Appropriations Subcommittee and ask the chairman to respond.

Mr. JOHNSTON. I commend the Senator for his diligent efforts to correct the enormous problems at the Nation's nuclear weapons complex. Both the legislative and funding provisions in your Defense authorization bill will be a big step forward in addressing the safety, health, environmental and modernization issues that must be confronted.

I share the Senator's concern about the need for additional funds to cleanup contaminated sites throughout the nuclear weapons complex. The report accompanying the Energy and Water appropriations bill states that:

> The Committee agrees with the House Committee and likewise commends the administration for the significant increase in the budget for defense waste clean up activities. During these times of fiscal austerity coupled with modernization needs, identification of sufficient funds for clean up is a difficult task. However, the Committee feels it is appropriate to increase funding for this activity to further address this pressing need. * * * The Committee could not provide more funds for this effort due to lower budget allocations for this defense function.

I am committed to seeking to provide additional resources for DOE cleanup to reflect the anticipated authorization level and will recommend that the Senate adopt the higher House number in conference for DOE's atomic energy defense activities.

Mr. EXON. Mr. President, I wish to take a few minutes to highlight some concerns I have regarding the portion of this bill dealing with the Energy Department's nuclear weapons complex. As chairman of the Armed Service Subcommittee on Strategic Forces and Nuclear Deterrence, which is the authorizing committee for the nuclear weapons complex we have delved into this and taken positive action.

No issue has received more attention or a higher priority within the Strategic Subcommittee than the many problems associated with the nuclear weapons complex. We are facing a multifront war with these problems in simultaneously having to ensure the safety and environmental compliance of the plants, their modernization, and their replacement. The issues are complex, controversial, and in need of clear, cool, sustained action.

The Strategic Subcommittee has led the way in tackling this challenge and I would like to highlight this again for my colleagues.

I think it is important to note that the Energy Department is going to need on the order of $4 billion more annually than it is now receiving if it is to fund the cleanup, compliance, safety, and modernization programs as I outlined on the floor Monday. I cannot urge in too strong words the need for the President and Office of Management and the Budget to realize this. My subcommittee transferred $300 million in Defense Department money toward cleanup but we cannot do this every year. Nor does the Committee on Energy and Natural Resources have the ability to transfer such funds. Instead, the defense programs portion of the Energy Department's budget must be adequately funded in the President's request.

This year, the Strategic Subcommittee was able to allocate over $1.8 billion to the cleanup effort. This amount included the addition of $418 million above the President's cleanup request and a doubling of the funds allocated for cleanup research. The bill before us now appropriates only $1.5 billion of the $1.8 billion my subcommittee authorized. I would urge the committee to do all it can to make up this $300 million shortfall.

The Strategic Subcommittee also approved several legislative initiatives in this area as well. These initiatives were approved by the full Armed Services Committee and will be considered soon by the Senate as part of the debate on the National Defense Authorization Act.

The subcommittee called for the establishment of a blue ribbon task group to advise the Energy Department and the Congress on how best to set priorities for cleanup and provide a stable funding mechanism. This task group is intended to be an independent commission of "wise men and women" who understand these issues and can objectively address them. The subcommittee also granted the Energy Department some relief from salary, revolving door, and ethics legislation to allow the Department to draw more heavily upon the scientific and technical talent at our national labs. A coordinated cleanup research program using all Energy Department labs was also established. Last, the Energy Department will be required to submit a 5-year plan annually to ensure that adequate planning and funding exists.

These are significant steps which will go a long way in restoring the environment, as well as the credibility, safety, and efficiency of the Energy Department's nuclear weapons complex. I am pleased that the Energy and Natural Resources Committee is building upon these efforts. Our staffs have worked closely on these matters and I would like to thank the committee's leadership for this cooperation.

I congratulate the committee for its efforts in the area of the nuclear weapons complex. Again, I urge the committee to make up the shortfall of $300 million for cleanup.

Mr. JOHNSTON. Mr. President, I commend the Senator from Nebraska for his diligent efforts to correct the enormous problems of our Nation's nuclear weapons complex. He has been a leader in this area. I commend him on those efforts.

Mr. EXON. Mr. President, I thank once again the Senator from Louisiana for his full cooperation. I appreciate the colloquy that we have just entered into in this regard. Last but not least, I think we are beginning to have a total understanding in the entire Senate of the magnitude of this problem that for too long has not received the attention it deserved.

I thank the committee for its efforts and consideration.

Mr. PRYOR. Mr. President, in a moment, I will submit an amendment.

First, I would like if I could to paint a little composite picture of the Department of Energy and what my amendment would attempt to do with this particular department.

First, Mr. President, I have been successful, thanks to the managers of the two appropriation bills, bills thus far, the Department of the Interior bill yesterday, and the Department of Agriculture appropriation as of today. This is my third in a series of amendments. Once again, I will attempt on all of the 13 appropriation bills to add this particular amendment to those bills limiting and capping the number of consulting dollars that can be authorized by a department, by an agency, limited to that amount that the agency or department requests in their fiscal year appropriation requests coming up.

For example, in this fiscal year coming up, the Department of Energy and this bill under consideration now by the Senate is making the request for $36,271,000 for consultants for pri-

vate contractors, for advice, and for their expertise and knowledge. That is fine. I have no argument with that.

The problem, though, Mr. President, is this particular department, as are all departments of Government, is overextending their consulting account—sometimes twice as much, sometimes as much as three times as much. They are requesting $36 million this year. Last year, Mr. President, according to GAO, this same department spent just for consultants $151 million, many more times than the request.

How do they obtain these extra funds? Well, they rob Peter to pay Paul. And Paul is usually that private consultant, that buddy, that little consulting operation, sole-source contracts, where these very lucrative sole-source consulting contracts are granted.

The Department of Energy has 17,041 employees. They spend each year $637,000,000 on their own payroll. About 4 percent of their budget is spent on the Federal payroll, the civil servants.

Now, they spent $14.9 billion in 1988 on contractors, private contractors. These are not necessarily just consultants. I am simply getting to the issue of consultants that they are requesting saying there must be a cap on those consultants.

Another thing that our committee has just turned up is that during the transition—think about this—between President Reagan and President Bush at the Department of Energy to guide the transition team, that group of people in between the Reagan and the Bush people, who guided those teams, who told them how to make the transition, who told them what to do, who told them how to do contracts, and who told them how to grant consulting contracts, were none other than private consulting firms. No one in OMB that we know of made this helpful transition between Mr. Reagan, Mr. Bush, and DOE. But literally private consulting firms were hired to guide the new people in the transition.

If that does not sound like a conflict I do not know what is.

Further, we see that over 50 percent of Department of Energy's budget is spent outside the Department for private contractors and private consultants.

Our question today: What are these 17,042 Federal employees doing if this amount of their budget is being spent for the private consultants and the private contractors?

Mr. President, I am about to submit my amendment. Before I do, I would like to say this amendment has four parts. It says that a Department may spend no more than their request for consultants; second, that every quarter that Department must submit to the Comptroller General the number of contracts, the name of the contracts that they have signed, who the contract is with; the purpose of the contract; and the justification for going outside the Government, that it cannot be done inside the Government by the Federal work force.

Those four components are definitely, I might say, going to draw the wrath of all of the bureaucracies, all of the agencies, all of the Departments, and they are going to come forward with every excuse, every excuse imaginable, saying, "We cannot administer this; it is too much paperwork." What they really want is this total flexibility, unaccountability, to spend literally billions and billions of taxpayers' dollars which is beyond the view and the purview of the Congress to have checks and balances.

AMENDMENT NO. 440

Mr. PRYOR. Mr. President, I think this is a good amendment. Once again, I will offer it on the 13 appropriation bills, and I send this 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 Arkansas [Mr. PRYOR] proposes an amendment numbered 440.

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

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

The amendment is as follows:

Insert at the appropriate place:

SEC. . (a) Not more than $36,271,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Energy.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Energy shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I had not seen this amendment until today, although I am generally familiar with and in sympathy with what the distinguished Senator from Arkansas has been doing on other appropriation bills. Frankly, I have no idea whether it works with the Department of Energy or not. I hope it does, because I am very much in sympathy with what he is trying to do. I cannot give him a promise that if we take it to conference, it will survive there, because you have to look at individual programs and determine whether they can be done by other consultants.

For example, one question that came to mind is, do the contractors who run our nuclear weapons plant constitute assistance or advisory services with the Department of Energy? I think not. That question may be answered, but that is simply the first threshold question that pops into mind. But with the view that I am sympathetic with it, I am willing to accept the amendment and look at it in light of trying to make it work in conference, and arguing on its behalf, if in fact it presents no unsurmountable problems.

Mr. HATFIELD. Mr. President, I would like to commend the Senator from Arkansas [Mr. PRYOR] and I am sure that Senator PRYOR has been very effective in giving notice and getting accomplishments at the same time of reducing the costs of Government. I go back far enough to remember when consultants were used as a temporary ad hoc type of personnel, that reduced the costs of Government by not hiring permanent personnel.

Like a lot of other things in bureaucracy, we should review it from time to time, because it has lost that entire concept now or lost it mainly in the practice that these consultants now become year-round, year after year and they become a part of the permanent establishment. In many ways they are used to circumvent the merit system and a lot of other perversions of what had originally been a very appropriate objective, and reason for using consultants.

Now, I am making a very broad statement because there are a lot of very able consultants performing in the original concept of that type of political activity or public activity.

I want to commend the Senator for his persistence, and I join with our chairman in indicating my willingness to accept this amendment representing the minority side.

The PRESIDING OFFICER. Is there further debate?

Mr. PRYOR. Mr. President, I want to thank both the managers, the Senator from Louisiana and the Senator from Oregon, for accepting this amendment. I would like to correct the record, Mr. President.

My very good friend from Oregon, Senator HATFIELD, implied that the Senator from Arkansas had been effective in cutting back the cost of con-

sultants for the Federal Government. I wish I could say that I have been effective. I have been in this issue now for 10 years, and I have tried every conceivable way, I say to my good friend from Oregon, every conceivable way, to find the mechanism of, one, identifying the consultant; two, to see why so many are justified, and, three, to see how we cannot get some accountability.

I have not been effective. I want to thank you for thinking that I have, but no one has been effective. This does not make us give up trying. We have to keep trying to find a way, and this is a new concept, to say you cannot spend any more than you have requested and to, every quarter, make them file with the Comptroller General what those contracts are for, the justification, and the purpose. That is what these amendments do. I deeply thank the Senator.

Mr. HATFIELD. Will the Senator yield?

Mr. PRYOR. I will be glad to.

Mr. HATFIELD. Mr. President, my point is, look how much faster they would have grown if you had not been there making those attacks on that practice.

Mr. PRYOR. Mr. President, I thank the Senator.

If I might respond to something that the Senator from Louisiana, the manager of the bill, Senator JOHNSTON, said. He said we do not know if we can keep this amendment in conference. I want to ask this question: If we had a rollcall vote—and I have not asked for a rollcall vote in the Interior on that amendment or the Agriculture Department—but if we had a rollcall vote and if on that rollcall vote, that vote went, say, 95 to 5, would that help to keep this amendment in the conference?

Mr. JOHNSTON. I say to my dear friend, I have stated that I personally agreed with the thrust of it, and I would vote for it if the amendment were up. Indeed, I already said I would accept it. The question is, Will it work? Because some kind of things have to be done by consultants. I have not even asked the Secretary of Energy.

I might ask the Secretary of Energy, and he might say, "That is a good idea; we will do it and make it work." He might say, "Look, we will have to shut down all our nuclear weapons because the country is going to be devoid of defense." I do not think he will say that either, but if he said that, even if we had 100 to nothing vote, I would feel constrained to yield to the public interest. But my desire is to make it work and to try to find ways to make it work, and I am for it, so to have somebody else for it would just make me feel no better than I already feel.

Mr. PRYOR. Mr. President, the Senator has been my good friend. His word is that he is going to try to keep this amendment in conference. That is good enough for me.

I will not ask for a rollcall vote, but I suggest that when you call the Secretary of Energy, Mr. President, I think the Secretary is more apt to say, more likely to say what you said formerly, rather than later. I think he is going to say—I should have said in the latter—I think he is likely to say that the whole Department is going to close down if this amendment is there, and that they will probably have to turn off all the lights in America, because nothing is going to work. I would like to see it work, and I hope he will give us his cooperation in supporting the amendment.

Mr. JOHNSTON. If the Senator will yield, I think he will. I should advert to one problem here, and that is that in these very technical fields, for example, nuclear waste, the Secretary of Energy has been unable to fill many of its top positions because they are highly technical, highly skilled, and people simply will not take the job for the amount that it will pay.

I have personally been involved in trying to recruit candidates, for example, for the Office of Nuclear Waste. We have identified a number of highly qualified candidates, and they were unable to take it. One, a former staff director of our own committee, said he would like to do it, that it offered a great challenge, and he could not because he had kids in college and could not work for whatever the salary was, which sounds like a princely sum outside of the Beltway, but to him at least and to the other candidates, it does not, and in some instances where you have to secure the expertise, that has been the only solution.

So, we do not want to hurt, for example, the cleanup efforts on nuclear waste which happens to be an example that comes to mind by serving an also important need to cut down on these services.

Mr. PRYOR. Mr. President, I thank my distinguished friend from Louisiana.

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

If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 440) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, let me extend my appreciation and that of Senator GLENN to Senator McCAIN who kindly permitted us to go prior to him, with the understanding being that we will be very brief which we will be, but I do appreciate it, and I know that Senator GLENN does as well.

AMENDMENT NO. 441

(Purpose: To provide funds to dredge the Ashtabula River)

Mr. METZENBAUM. Mr. President, on behalf of Senator GLENN and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself and Mr. GLENN, proposes an amendment numbered 441.

Mr. METZENBAUM. 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 20, line 9, immediately following the colon, insert the following: "*Provided further,* That $300,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for dredging of the Ashtubula River, Ohio:".

Mr. METZENBAUM. Mr. President, I am concerned about the fact that the Senate Appropriations Committee eliminated an earmark of $300,000, a very, very small sum by our standards around here, to undertake a very important dredging project in Ashtabula, OH. Although the sum is a small one, this dredge project is an interim, emergency measure needed to permit the continued passage of vessels on the Ashtabula River, pending final study by the Corps of Engineers and the U.S. Environmental Protection Agency on a much larger dredging project to remove toxic sediments from the river bottom.

This is a most urgent project given the fact that the river has not been dredged for at least 20 years. Boating and tourism, which have become Ashtabula's primary industry and source of revenue, are about to come to a screeching halt because of river shoaling.

The project is supported by both the Corps of Engineers and the USEPA.

I ask my colleagues and urge my distinguished colleague to support the House position on this matter when the bill goes to conference. I would hope that he would see fit to accept the amendment. I understand he has some reservations about it. I would hope he would address himself to his views after we hear from my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will be very brief.

Boating and recreational activities surrounding water are a very big industry on the Great Lakes. The lakes of Lake Superior, Michigan, Huron, Erie, and Ontario form the largest freshwater body of lakes all connected together in the whole world.

One of the major stops for cruising and for recreational activities and for boating activities is the area around Ashtabula.

During the years things that they have not been able to deal with at all, not their fault, the storms and erosion and sediment and things like that, take a toll on the ability of the harbor there and the river there to really be used for recreational and boating activities as a major stop on this whole Great Lakes waterway.

Mr. President, I rise today in support of an important project of economic and environmental concern to the people of northeast Ohio. The Ashtabula River, which flows into Lake Erie, is currently choked with sediments and toxic materials that have accumulated since the river was last dredged by the Army Corps of Engineers in the 1960's. With the buildup of sediments, depths on the river now range from 0 to 28 feet. The city of Ashtabula depends on tourism and recreational boating. However, boats are unable to navigate the river. Funds are desperately needed to dredge the river.

Local leaders are making every effort to make progress on this project. Their efforts have been thwarted by a conflict between the Corps of Engineers and the Environmental Protection Agency [EPA]. Navigation is the responsibility of the Corps and the presence of toxic sediments involves EPA. Neither agency is willing to take full responsibility for cleaning out the Ashtabula River and no action has been taken.

I believe that this funding can provide immediate relief for the current situation without affecting the environmental problems which are of great concern. These funds will allow for partial dredging of the river. Although a more complete solution to the problems of the Ashtabula River is needed and efforts in this regard will continue, I believe that this is an important step in the right direction.

As my distinguished colleague said, with the buildup of sediment depths in the river now ranging from 0 to 28 feet, it really is cutting into the ability of Ashtabula to be a recreational center and funds are desperately needed to dredge the river.

The local leaders can make some efforts, as they have through the years, but occasionally this gets beyond their ability to handle, and that is the situation we have right now.

There has been a conflict between the Corps of Engineers and the EPA as to responsibility. We believe that is being worked out now and I believe the fund can provide immediate relief for the current situation without affecting the environmental problems which are of great concern.

These funds will allow for a partial dredge of the river to get them back in operation, although a more complete solution to the problem of the Ashtabula River is needed and efforts in this regard will continue.

I believe it is an important step in the right direction, and I certainly support the effort Senator METZENBAUM is making to get this done.

Mr. JOHNSTON. Mr. President, we were familiar with this project before the two distinguished Senators from Ohio spoke to us about it, but we are much familiar with it now than we were before. Indeed, they make a very strong case as to its importance.

Frankly, we have deleted wholesale number of projects that were included in the House bill that will be considered in conference simply under budgetary constraints, and we would resist including back any at this point in the proceedings, but suffice it to say that the case they have made for the particular project is a very strong one. We will take those words ringing in our ears to conference and will consider this certainly in a very sympathetic way.

I must say that the distinguished Congressman DENNIS ECKART from this district has spoken with me about that and explained in even more detail about the important nature of this project, and so we will take his words as well to conference with us.

So I hope in that light that the Senator could see fit to take our assurances of our sympathy with the project. While it has not ripened into a full commitment to grow, it is a commitment to look with the utmost care and with his interest in mind, as I always have his interest in mind.

Mr. METZENBAUM. The Senator from Louisiana and I have worked together, and I know Senator GLENN has worked with the manager of the bill over a period of many years. We are good friends and with his personal assurance that he will look out for our concerns and interests and try to be helpful, and I assume he is speaking for the minority manager of the bill as well, who is shaking his head "no," but I know he is doing it facetiously, I will on behalf of Senator GLENN and myself withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment was withdrawn.

Mr. HATFIELD. Mr. President, let the record show that I, too, will be very responsive to the Senator from Ohio.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have an amendment coming to the desk on behalf of myself and Senator HATCH and 25 other cosponsors.

First of all, I would like to start out by——

The PRESIDING OFFICER. Is the Senator sending the amendment to the desk?

Mr. McCAIN. Mr. President, I will be sending an amendment.

AMENDMENT NO. 444

(Purpose: to delay for 1 year the provision of the Medicare Catastrophic Coverage Act of 1988)

Mr. President, I would like to start out by expressing my regrets, not my apologies, but my regrets, at bringing up this amendment at this time on the particular bill. I do not like to. I think that all of us are opposed to bringing up amendments which are not germane to the bill at hand, and I recognize the pressing legislative schedule that exists between now and the end of next when we intend to go out into recess.

At the same time, Mr. President, on this issue of catastrophic health care legislation, a number of events have taken place which have compelled me to bring up this amendment at this time.

Additionally, Mr. President, I said at the time of the last vote in June that I would not give up on this issue, that I would continue to press until the seniors of this Nation, including the 19 million who are represented in the coalition which I humbly represent, get justice.

I would be glad to yield to the distinguished chairman.

Mr. JOHNSTON. Mr. President, I thank my friend for yielding, and I have a lot of sympathy for what I heard generally described about what he is trying to do. I think all of us recognize that this business of catastrophic health care needs to be redone and some relief given to our seniors.

I would urge my friend not to do it on this bill, first, because it is an appropriations bill and indeed we should not legislate on it; second, because it would bust our budget.

We are right up to the edge on our budget allocation and there is not any room and to the extent we did anything it would make the whole bill subject to a point of order and I have to defend the bill against a point of order, in addition to the fact that it would be legislation.

I wonder if there is not another way, another place, another time to get this considered?

Mr. McCAIN. I would like to respond to the distinguished chairman with my regrets. My response is I know of no other vehicle. There was a commitment made by this body in a sense-of-the-Senate resolution which was

dropped in conference that something would be done about this issue by September. Clearly there is nothing going to be done by September on this issue, No. 1; No. 2 is the whole philosophy of collecting taxes from senior citizens in order to buildup a trust fund in order to disguise the size of the deficit is repugnant to this Senator and so is it to all of our senior citizens.

We believe that taxes should be collected in order to be paid out in benefits, not to disguise the size of the budget deficit. I would suggest that this time is as good a time as any to recognize that there are more important problems then just a phony way of disguising the budget deficit, No. 1; and No. 2 is, this issue of the burden that we are placing on senior citizens far transcends a $3 billion budget differential. I would be glad, at the appropriate time, to suggest a series of ways that we could make up for at least partially this deficit problem that we are facing.

So, with greatest respect and with greatest appreciation for the problems that the distinguished chairman and my distinguished ranking Republican member, Senator HATFIELD, face on this issue, I cannot in good conscience tell 19 million senior citizens that we are going out of session in August without at least addressing this issue one more time, particularly in light of the fact, I tell my colleague, I believe that this time we have sufficient votes. The last time we only got 49 votes. This time I believe we will have more than 50.

Does my distinguished friend from Oregon wish me to yield to him?

Mr. HATFIELD. I would like the Senator to yield for just a minute.

I say to the Senator that I am very sympathetic and I think I have established my record on that in support of his efforts.

But I just want to indicate, too, I think there is a flip side to the coin in raising this at this time to send a signal to the people who are involved, the senior citizens, raising their expectations, raising their hopes, that somehow we have done something very substantive to address the issue.

I only want to remind the Senator that even if it were raised as he intends to do and it passed overwhelmingly with the a record vote and everything that goes with it, I only want to remind the Senator that the House functions under different rules of procedure. I would say there is about a 1,000-to-1 chance that this would ever survive the conference, not on the merits of the case, but on the procedures that the House operates under. This is obviously legislation on appropriations. Now the House very selectively applies that rule over on our side.

But I only want to say that from my judgment in having dealt with the conferences with the House for many, many years now on appropriations measures, where there is something that is controversial or something like that, they immediately say, "Oh, but we can't take this amendment because it is an amendment that would be ruled out of order. It violates our rules of procedure," et cetera, et cetera. And they win more of their battles on the procedural issue than they ever do with us in conference on the merits of the case or on the substantive issue.

I just merely want to say, then, all of a sudden their hopes are raised in the elderly, in the senior population out there and dashed in the next minute because it has been dropped in conference, not because we are addressing the merits, but merely because of procedures.

I think there is a flip side in the signal. I think it is fine to send a signal of something positive, something that is moving in their direction. But if we have a pretty good estimate that it is never going to come into fruition, then I question the kind of signal we are sending in terms of what then is a letdown after the rise of expectation. That is the only point I would like to share.

Mr. McCAIN. With the greatest respect to the knowledge, experience, and service of my friend from Oregon, I do not disagree with anything that he said.

Let me remind my friend, the distinguished ranking Republican member on the Appropriations Committee, that a signal has already been sent. A signal was sent by the Ways and Means Committee a couple of days ago. That signal would not be accepted over here either. I know that this body would not agree to such a proposal as was passed in the Ways and Means Committee. So the hopes of many seniors were dashed a couple of days ago concerning this issue because the House Ways and Means Committee, in my view, passed by a very narrow 19 to 17 vote one of the most onerous burdens that could be placed on senior citizens in this country.

So, therefore, although I certainly would agree with my friend from Oregon that the chances of this legislation being accepted by the House are minimal, I would also suggest to you that a countersignal needs to be sent, No. 1. And, No. 2, I would say to my friend that this will increase the pressures enormously upon the Members of the House of Representatives who, as short a time ago as a month or so, would not even address the issue and are now frankly very deeply concerned and want to do something.

I believe that if we send a signal that we are delaying the implementation of this package, at least as a body, this body wants that delay achieved, then I would suggest it could do a great deal of good.

I would also finally like to remind my friend from Oregon, the senior citizens and their representatives here recognize full well the scenario that he described. But in all good conscience, I cannot not act before the recess with the only proposal for addressing this issue on the table being what was passed by the Ways and Means Committee of the House of Representatives a couple of days ago. Because what they did, in my mind, is absolutely unacceptable in that they decided to do several things which I will go into in just a minute, including increasing the burden on poor Americans and decreasing it on wealthy Americans, including giving seniors a Hobson's choice of being a part of this catastrophic illness program or if they choose to get out of it then they would lose their part B benefits. An unacceptable choice for all seniors.

So I would again like to thank my friend from Oregon and tell him that I intend to press ahead with this amendment. I also would be glad to keep debate to a minimum so that we can return to the bill and return to the important business of this body before we leave it at the end of next week.

Mr. President, the sense-of-the-Senate resolution which I referred to earlier was offered by the Senate leadership. It instructed the Finance Committee to address issues reducing the premium and making the act voluntary by September 1989. I emphasize the sense-of-the-Senate resolution was to reduce the premium and make the act voluntary by September 1989. That gives us approximately 5 or 6 working days in order to do so, unless action is taken while we are in the August recess, which I doubt very seriously.

I want to talk a little more about the Ways and Means proposal. After an incredible display of gridlock in that committee, by a 19 to 17 vote, as I mentioned earlier, the Ways and Means acted and they reduced the surtax by 50 percent. How did they do that? By increasing the burden of part B on poor citizens and dramatically increasing that, almost doubling the part B premium that all poor and low-income seniors will have to pay. I think that is, frankly, incredible. It reduces the value of the prescription drug portion of the act. It places a large chunk of the program under part A. Now, let me repeat: it places a large chunk of the program under part A, which spells out an increase in the FICA obligation of nearly $2 billion in 1990.

What that does, Mr. President, it destroys the precept of the entire catastrophic illness legislation which said that the seniors will pay for their benefits. We now, if the Ways and Means Committee proposal is accepted, place

that burden, at least part of that burden, on all taxpaying Americans.

Mr. President, if that is what the Congress of the United States wants to do, I think that that is something that may be considered. But let us not do it in some kind of package proposal basically violating the entire precept or reneging on the basic precept of this legislation.

The worst part, Mr. President, is of course the business of giving the seniors the option of opting out of the program. If we really want to give the seniors the option of opting out of the program let us create a part C, as one of my colleagues, the Senator from Wyoming, proposed. Let us create a part C and give them that part so that they can choose whether they want to be a part of the program or not. Do not make it part B. If you make it part B, they lose so many benefits that they cannot otherwise afford. We are giving them a Hobson's choice which they cannot accept either. So, Mr. President, I do not think we ought to do that to them.

As I mentioned, it is now July 27. We have 5 or 6 legislative days before August. We need to send a clear signal as to what this body needs to do, wants to do, to address the issue that demands being addressed.

The day prior to the Finance Committee hearing on June 11, Mr. President, to look at the possibility of reducing the amount of the supplemental premium—a proposal offered in the belief that the revenues being collected exceeded the amount needed to keep an adequate reserve—the Congressional Budget Office released new estimates showing that the program is not overfunded. Indeed, Mr. President, it is dramatically underfunded, and the costs of the prescription drug program far exceed those originally estimated. That really should not have surprised any of us because there has never been a health benefit program passed by the Congress of the United States that did not, over time, dramatically exceed original estimates.

According to the CBO, in 1993, the first full year of the prescription drug program, it will be running a deficit of $4.7 billion and, instead of having a contingency margin of 50 percent as scheduled in the law, it will actually have a contingency margin of 97 percent. Yes, 97 percent.

Mr. BENTSEN. Will the Senator yield?

Mr. McCAIN. Did my friend, the chairman of the Finance Committee, ask me to yield for a question or comment?

Mr. BENTSEN. If the Senator will yield for a comment in reply to what the Senator had to say. When he spoke about the Ways and Means Committee coming up with a proposal unacceptable to him. Let us have it clearly understood that on June 7 the Senate instructed the Finance Committee to come back with an alternative proposal for this body. We have relied in good faith on that commitment and we went to work on it. We have heard from more than 30 witnesses. We have met with innumerable interest groups on this issue. We want to be responsible in what we bring back to this institution.

That means we have to have the time to get the information from the Joint Tax Committee as to what each of several options cost and what revenues they will require in order to meet the deficit offset requirements of the Budget Act. In my view, we must be in compliance with the Budget Act as we respond to the concerns and the needs of older Americans. That is what we have set out to do.

Major changes are being proposed on the House side. Regardless of whether they are accepted, an effort is being made. The Senate Finance Committee is also making an effort. And now the Senator is trying to cut that effort short, circumventing the directions of this body.

We have expended considerable effort to respond to the instructions of this body to develop an alternative and we will continue to do that. We will be back here in September with a responsible proposal for this body to consider.

I urge my colleagues to give us the opportunity to carry out the instructions of this institution, which we tried, in good faith, to accomplish.

For my colleague to come in at the last minute and try to short circuit that effort after his amendment lost in June is, frankly, a serious mistake and I urge my colleagues to defeat this amendment.

Mr. McCAIN. Let me respond by saying it might have been an expression of good faith as concerns that sense-of-the-Senate resolution, if it had been preserved in conference. I was told there was no attempt even made that that sense-of-the-Senate resolution would have been preserved so that we would at least have had a resolution to work by. Indeed, the Finance Committee had a hearing on June 11. The distinguished chairman of the committee was kind enough to let me testify.

The ostensible reason for the committee hearing to be held was because we were going to look at the possibility of reducing the supplemental premium. That was what I read in the media as being quoted by the distinguished chairman of the Finance Committee. Unfortunately, the day before the hearing was held it was discovered that the costs of the program dramatically exceeded the present estimates, CBO estimates of the surtax. And I happen to have observed, or heard the overwhelming majority of the witnesses before the Finance Committee called for the adoption of this amendment. The 30 witnesses that the chairman describes, who appeared before him, at least 20 of them representing millions and millions of seniors, called for the adoption of a delay for a year so we can sort this program out.

I suggest since June 7, one, the indication that this Senator has had is that the sense-of-the-Senate resolution was dropped in conference, which means that the conferees had not even the support of that.

Second, there has been one hearing in which the entire precept of the hearing was knocked into a cocked hat by CBO's estimates the day before the hearing took place. So far, I have heard of no, zero, proposal by the Finance Committee or the distinguished chairman or others, except that he says he can work it out.

I am gratified that yesterday for the first time the chairman of the committee said to me that he would allow me to work with him to try to address this issue. That was the first time since I have brought up this issue.

I do appreciate very much his staff working with my staff, but I think we could have probably progressed a little more between June 7 and today if I had been given access, to helping try to address this issue.

Mr. BENTSEN. If the Senator would yield, I would say to the Senator, my staff has called his staff repeatedly. Let us not mislead this body.

I invited the Senator to testify before the Finance Committee, let him speak his piece. The committee also heard from all kinds of organizations with differing viewpoints. The members of the Finance Committee will be coming up with an alternative that is responsible, that addresses this issue, and does it in a way that will result in a dramatic reduction in the supplemental premium.

I can assure you of that.

Mr. McCAIN. Well, I know the distinguished chairman did not have time and was not paying full attention to my remarks. Let me remind him, I did thank him for allowing me to testify before the committee. I did state that his staff has worked with my staff, for which I am deeply appreciative.

I do say again that the belief of the senior citizens that have approached me, the 44 organizations that represent 19 million Americans, is they have come up with a solution. They have a solution, I say to the chairman, and I suggest very strongly that we move forward on that rather than having one hearing which was based on a precept which was flawed. It turned out to be flawed. And during the August recess, this place is notorious for not moving forward in finding solutions to problems.

I might add that the sense-of-the-Senate resolution that was passed by

this body, which was from the majority leader and the Republican leader, said "by September." Not "in," but "by" September, that this issue would be resolved.

I would like to go ahead and finish my statement.

Mr. BENTSEN. I would correct the Senator on that statement. Not "resolved." It would be "addressed." We have addressed it, we are working on it, and we are progressing.

Mr. McCAIN. Perhaps the distinguished chairman of the Finance Committee can tell me what progress has been made.

Mr. BENTSEN. We have made substantial progress in getting necessary estimates for several options. As the Senator knows, there has been a problem with Congressional Budget Office revisions of outlay projections and Joint Tax Committee revisions of projected revenues. In addition, the committee is dealing with reconciliation. We have the resources of the Joint Tax Committee devoted to both efforts, and at the same time, the Joint Tax Committee is helping the Ways and Means Committee with its reconciliation makeup. The resources of the Treasury Department are also spread thin in dealing both with catastrophic and reconciliation. Therefore we do not have the advantage of being able to give you all the information that is necessary today so that a final decision can be made.

But I want to be certain that we come back to the Senate with a responsible answer to the concerns of the elderly citizens of this country. To do that, it is necessary to give this process a chance to work.

We will be back here in September with some recommendations.

Mr. McCAIN. I would say in response to the distinguished chairman, it is in the eye of the beholder. Coming up with numbers is, frankly, not satisfactory to this Member, nor to a great majority of the senior citizens who have communicated with me that they see no progress.

I would suggest that the distinguished chairman communicate with those senior citizens' organizations, they as well as me, as an indication of progress.

I do not think coming up with numbers is, frankly, the kind of progress they want to see, first.

Many of those people are already paying—those that pay taxes ahead of time—are already making some payments in this direction.

Second is, I think it is very clear to all Members of this body, that up to this time anyway, in fact even now, the administration opposes this amendment. The administration has opposed doing anything about this crime that has been inflicted on the senior citizens of this country.

We have been stopped at every turn. I have also been unable to get numbers out of the administration because, very frankly, they have not been very interested in providing any so that we can work more and move forward on it.

But the fact remains, I would say to the chairman, the progress we have made as far as finding numbers, to me is not sufficient. Let us examine what this amendment does before we are led to believe that it is so damaging. This amendment, I say to my colleagues, simply delays the implementation of the program.

It does not cancel the program. It delays the onerous aspects of this program until the distinguished chairman of the Finance Committee can get it sorted out, until he can get the numbers that he needs. It delays everything but the three critical parts of this program. It does not cancel them. It does not stop the program. In fact, if in September, as the chairman of the committee just said, he comes up with a solution, then clearly this program can move forward.

All this amendment does is preserve the catastrophic care portion of the bill, the skilled nursing home part of the bill and spousal impoverishment, which is paid for by the $4.80 additional premium already paid for in part B, and it delays the rest of it until the distinguished chairman can get the numbers sorted out, until he can get the required facts from the Treasury Department.

But what I want to do is take this off the backs of the seniors of this country until such time as the distinguished chairman of the Finance Committee and others can work together and come up with what will be fair and equitable to all of our seniors, which, in the opinion of the overwhelming majority of them today, is that it is not.

I, again, would like to express my appreciation to the distinguished chairman of the Finance Committee who has worked very hard on this issue. It is a very, very difficult issue. I would suggest to him that by enacting a delay in the implementation of all the crucial parts of the program, it will impact in no way his ability to move forward and come up with an overall solution to this issue.

Mr. President, I want to say again, this amendment delays for a year the implementation of the Medicare provisions of the act which have yet to be implemented. It retains long-term hospitalization, skilled nursing home facility benefits which have come on line, in addition to spousal impoverishment protection, and it retains the flat $4.80 a month premium increase under the act which pays in full for these new benefits.

Mr. President, it delays the surtax. The surtax is what has created the firestorm out there. The surtax, so-called rich and greedy people like the National Association of Retired Federal Employees, the Mail Handlers, the National Association of Postal Workers Union, the Noncommissioned Officers Association, the National League of Postmasters, the National Treasury Employees Association—the list goes on and on—those very rich and greedy seniors, Mr. President, do not want it. They do not think they deserve it. They do not think they were consulted. They want to be consulted. They want this act changed, and I think we ought to send a signal if we are going to change it and, until we do, we want to delay the implementation of the onerous parts of this act.

(PURPOSE: TO DELAY FOR 1 YEAR THE PROVISIONS OF THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988)

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator HATCH and 25 others.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. WILSON, Mr. COCHRAN, Mr. GORTON, Mr. BOREN, Mr. HEFLIN, Mr. HOLLINGS, Mr. McCONNELL, Mr. SHELBY, Mr. McCLURE, Mr. BURNS, Mr. HATCH, Mr. PELL, Mr. ROTH, Mr. D'AMATO, Mr. DOMENICI, Mr. KASTEN, Mr. NICKLES, Mr. LOTT, Mr. BIDEN, Mr. BOSCHWITZ, Mr. WARNER, Mr. BRYAN, Mr. MACK, Mr. GRASSLEY, Mrs. KASSEBAUM, and Mr. REID, proposes an amendment numbered 444.

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

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

The amendment is as follows:

At the end of the bill add the following:

SEC. . 1 YEAR DELAY IN MEDICARE CATASTROPHIC PROVISIONS.

(a) It is the purpose of this Act—

(1) to provide Medicare beneficiaries with protection from the financial ravages of an illness that results in a long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(2) to provide Medicare beneficiaries with protection from what is commonly referred to as spousal impoverishment—the near total liquidation of a couple's assets in order to meet the income eligibility requirement for long-term care benefits through the Medicaid Program—by permitting the spouse who is not in need of long-term care services to retain a certain level of assets and/or income (provided for in the Medicare Catastrophic Coverage Act of 1988, to be phased-in—beginning in September 1989);

(3) to permit a nominal, flat, increase in Medicare premiums in order to pay for the long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(4) to delay, for year, implementation of all other benefits provided for in the Medicare Catastrophic Coverage Act of 1988;

(5) to delay, for a year, implementation of the supplemental premium provided for in the Medicare Catastrophic Coverage Act of 1988;

(6) It is the sense of the Senate that the Senate Finance Committee shall study both the benefits, financing and mandatory nature of the Medicare Catastrophic Coverage Act of 1988.

Specifically, it is the sense of the Senate that the Senate Finance Committee shall study among other things the Act's financing mechanism. And, taking into consideration the analysis of the Congressional Budget Office, the Office of Management and Budget and any other relevant studies and cost estimates in relation to the benefits hereby delayed, shall determine the appropriateness of both;

(7) It is further the sense of the Senate that, by January 1, 1991, the Senate shall have taken the appropriate steps to reduce the supplemental premium if it finds, after studying the above mentioned analysis, that the total amount of premiums being collected under the Act are greater than the amount needed to cover the costs of the coverage provided by the Act.

(b) Section 1833(c) of the Social Security Act (42 U.S.C. 13951(c)), as inserted by section 201(a) of the Medicare Catastrophic Coverage Act of 1988, is amended—

(1) in paragraph (1), by striking "1990" and inserting "1991";

(2) in paragraph (3), by striking "1990" each place it appears and inserting "1991"; and

(in paragraph (3)(A)—

(A) by striking the first sentence,

(B) in the second sentence, by striking "succeeding year" the first place it appears and inserting "year (beginning with 1991)", and

(C) in the second sentence, by striking "succeeding the second place it appears.

(c) Paragraph (4)(b) of section 1861(t) of the Social Security Act, as added by section 202(a)(2)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(d) Section 1834(c) of the Social Security Act, as added by section 202(b)(4) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (1)(C)(i), by striking subclause (I) and (II) and inserting the following:

"(I) 1991 is $600,

"(II) 1992 is $652, and";

(2) in paragraph (1)(C)(i) by striking subclause (III) and redesignating subclause (IV) as subclause (III);

(3) in paragraph (1)(C)(iii), by striking "1992" and inserting "1993";

(4) in paragraph (2)(C)(ii), by striking "1990", "1991", "1992", and "1993" and inserting "1991", "1992", "1993", and "1994", respectively;

(5) in paragraph (3)(A), by striking "1992" and inserting "1993;

(6) in paragraph (3)(C)(i), by striking "1990" and inserting "1991";

(7) in paragraph (4)(A)(i), by striking "1990 or 1991" and inserting "1991 or 1992";

(8) in paragraph (7)(B), by striking "1991" and inserting "1992";

(9) in paragraph (8)(A), by striking "6 years" and inserting "7 years"; and

(10) in subparagraphs (B), (C), (D), and (F) of paragraph (8), by striking "1989", "1990", "1991", "1992", "1993" and "1994" and inserting "1990", "1991", "1992", "1993", "1994", and "1995", respectively.

(c) Paragraphs (1) and (4) of section 1842(o) of the Social Security Act, as added by section 202(c)(1)(C) of the Medicare Catastrophic Coverage Act, are each amended by striking "1991" and inserting "1992".

(f) Section 202(e)(4)(B) of the Medicare Catastrophic Coverage Act is amended by striking "1993" and inserting "1994".

(g) Section 202(i)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989, 1990, 1991, 1992, and 1993" and inserting "1990, 1991, 1992, 1993, and 1994", respectively.

(h) Section 202(l)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989" and "1990" and inserting "1990" and "1991" respectively.

(i) Section 202(m) of the Medicare Catastrophic Coverage Act is amended by striking "1989", "1990", and "1991", and "1992", respectively.

(j) Section 1834(d)(2) of the Social Security Act, as added by section 203(c)(1)(F) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(k) Section 203(c)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1991" and inserting "1992".

(l) Section 1835(a)(2)(G) of the Social Security Act, as inserted by section 203(d)(1)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(m) Section 1154(a)(16) of the Social Security Act, as amended by section 203(d)(2) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(n) Section 203(g) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(o) Section 1834(e) of the Social Security Act, as added by section 204(b)(2) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (2)(B)(ii), by striking "1992" and inserting "1993",

(2) in paragraph (4)(A)(i), by striking "1990" and inserting "1991",

(3) in paragraph (4)(B), by striking "1991" and inserting "1992", and

(4) in paragraph (5), by striking "1990" and "1991" each place each appears and inserting "1991" and "1992", respectively.

(p) Section 204(3) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(q) Section 205(f) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(r) Section 206(b) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(s) Section 111 of the Medicare Catastrophic Coverage Act is amended by moving all dates in this section forward one year.

(t) Section 112(b) of the Medicare Catastrophic Coverage Act by striking "1990" and "1989" and inserting "1991" and "1990", respectively.

(u) Section 1839(g) of the Social Security Act, as added by section 211(a) of the Medicare Catastrophic Coverage Act, is amended—

(v) Section 1841A of the Social Security Act, as inserted by section 212(a) of the Medicare Catastrophic Coverage Act, is amended—

(1) in subsection (c), by striking "1990" and inserting "1991", and

(2) in subsection (d), by striking "1992" each place it appears and inserting "1993".

(w) Section 1840(i) of the Social Security Act, as added by section 212(b)(1) of the Medicare Catastrophic Coverage Act, is amended by inserting "(1)" after "(i)" and by adding at the end of the following new paragraph:

"(2)(A) Notwithstanding the previous provisions of this subsection but subject to subparagraph (B), premiums collected under this part which are attributable to subsection (g) of any month in 1989 shall, instead of being transferred to (or deposited to the credit) of the Federal Supplementary Insurance Trust Fund, be transferred to (or deposited to the credit of) the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A).

"(B) The total amount of the transfers or deposits made under subparagraph (A) shall not exceed the Secretary's estimate of the total amount of additional expenditures made under part A which are attributable to benefits during 1989 and which would not have been made but for the amendments made by the Medicare Catastrophic Coverage Act of 1988.".

(x) Section 1841B(c) of the Social Security Act, as inserted by section 213 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "1991".

(bb) Section 412 of the Medicare Catastrophic Coverage Act is amended by striking "1990" each place it appears and inserting "1991".

Mr. COATS. Mr. President, I rise in support of the McCain amendment to delay implementation of the Medicare Catastrophic Coverage Act [MCCA].

I regret the difficulty that is being caused by introducing this amendment to an appropriations bill. However, the fact is that seniors in Indiana and across the Nation want this law reexamined, and this amendment is an opportunity that should not be ignored.

Senator McCAIN's amendment is a good place to start because it offers a year that can be devoted to careful evaluation to both the cost and benefit side of this question. All of the MCCA benefits that are now available would be retained so that there would be no disruption in the treatment of any seniors who are currently being covered. Most of these benefits are part A hospitalization benefits and should be included in any revised law. The McCain amendment also provides for the relief of spousal impoverishment, which is another worthwhile provision.

It is clear that the MCCA must be overhauled based on the information that has come to light since the law was passed last year. The estimates of program costs, the problem of duplication for people forced to pay the surcharge, and the views of the group who the law is intended to help combine to make it timely for this committee, and Congress as a whole, to look at the goals we envisioned when this law was being shaped.

The latest numbers from the Congressional Budget Office [CBO] show a disturbing drop in the MCCA's projected contingency margin, especially in the drug insurance trust fund. I am not aware of one Medicare Program

that has come close to meeting projected costs since this system was launched in 1965. The overruns are legendary. Common sense tells me that when the planned margins for the MCCA begin to drop so sharply in just 1 year, there is little hope that the program will not be severely in the red by 1993. The hard reality of the budget deficit makes it clear that budget neutrality is a basic requirement that Congress cannot ignore in dealing with the MCCA, and the present scheme makes that most unlikely.

Another factor that must not be overlooked is the large number of seniors who have duplicate coverage with the MCCA and are being forced to pay the supplemental premium. According to the Congressional Research Service [CRS] of the Library of Congress, an astonishing 29 percent of the noninstitutionalized Medicare beneficiaries have at least some health insurance coverage from an employer. Although these seniors are fortunate to have medical benefits, they are still hard pressed to pay an additional tax for coverage they do not need. It would be far better to restructure MCCA to cover basic acute care needs, eliminate the supplemental premium, and let the seniors choose whether they want it.

Since one of the basic tenets of the law is that it be beneficiary-financed, it is important that the MCCA have the support of a goodly portion of the seniors. As we all know, a substantial portion of the elderly oppose it. According to a Wirthlin Group poll that was conducted in May of this year, the 59 percent of seniors who were aware of the program opposed it by a margin of 53 to 31 percent. Even those who favored the program believed the benefits were not worth the costs. Those of us who serve in this body do not need a poll to know how the seniors feel. I have received more than 9,000 pieces of mail about the MCCA, and the overwhelming majority do not like this law.

It is not reasonable to expect a consensus on a law as complex as the MCCA, however, the discontent in Indiana is not the result of a clever mass mail campaign by a narrowly focused group. Every senior I meet in town meetings, or any other meeting, make it a point to tell me how much they dislike this law. I believe that the MCCA should be beneficiary financed, however the cost should be cut and the benefits realigned so that seniors will have good reason to conclude that the whole package is a good deal and worth supporting.

I believe seniors deserve an acute care program that will meet their basic needs at a cost that they can afford. As I explained above, this program should be budget neutral, beneficiary-financed, and redrawn to cover basic acute care needs so that it would be actuarially sound to make it voluntary.

I have introduced S. 1174, a bill that I believe abides by these principles. This bill would retain the positive features of the current law including part A hospital benefits, expanded home health services, and a section to protect the income and resources of married couples that is known as prevention of spousal impoverishment. My bill substitutes a Medicaid drug benefit that covers all seniors with incomes up to 125 percent of the poverty level for the Medicare drug benefit in the present law. S. 1174 raises the cap on part B expenditures and increases by about $5 per month the part B flat premium. These changes make it possible to eliminate the supplemental premium and make the whole program voluntary for those who wish to opt out of part B.

Mr. President, I request that a summary sheet that explains my bill in more detail be entered in the RECORD with my statement. S. 1174 provides the basic acute care that seniors need and I suggest that all my colleagues give it careful consideration. However, as I stated initially, the McCain amendment is a good place to start what is sure to be a long, and I trust thorough, examination of the MCCA. It is my hope that this process will result in a fair, cost effective bill that meets the true acute care needs of our seniors.

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

DETAILED SUMMARY OF COATS MEDICARE CATASTROPHIC COVERAGE IMPROVEMENT ACT OF 1989

PROVISIONS RETAINED, WITHOUT CHANGE, FROM MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (MCAA)

1. Expand scope of Medicare Part A hospital benefits, including:

a. Remove day limit on inpatient hospital services.

b. Expand skilled nursing facility services to 150 days each calendar year.

c. Remove limit on days of hospice care.

d. Limit inpatient hospital deductible to one each year.

e. Restrict coinsurance for skilled nursing facility care to 20% of national average daily rate (for 1989 the figure is $25.50) for each of the first 8 days in each year.

f. Place the Part A buy-in premium (for those not otherwise eligible for Medicare) on an actuarial basis.

2. Expand number of consecutive days of home health services to 38 days.

3. Expand Medicaid benefits including:

a. Expand coverage of pregnant women and infants with income below the poverty line.

b. Protect income and resources of married couples. (Prevention of "spousal impoverishment")

4. Miscellaneous provisions, including:

a. Improvements in Medigap certification program.

b. U.S. bipartisan commission on Comprehensive Health Care.

c. Maintain employer efforts, various demonstration projects and studies, and Advisory Committee on Medicare Home Health Claims.

PROVISIONS DELETED FROM MCCA

1. "Supplemental Medicare Premium." (Income tax surcharge)

2. Coverage of prescription drugs and insulin.

3. Coverage of home intravenous drug therapy services.

4. Coverage of screening mammography.

5. In-home care for chronically dependent individuals. (Respite Care)

PROVISIONS RETAINED BUT MODIFIED FROM MCCA

1. Limit on Medicare Part B cost-sharing changed to $2,230 per year. (MCCA is $1,370)

2. Recompute additional Part B premium to cover costs of modified catastrophic benefits.

3. Freeze the Medicaid buy-in provision at 85 percent of the Federal poverty level and give the states the option to phase-in to 100 percent by 1992.

NEW PROVISIONS

1. Require Medicaid coverage of prescription drugs for individuals 65 years of age or older with incomes below 125 percent of poverty level with a $50 deductible.

2. Change the tax law to provide tax incentives for the development of the long-term care insurance market.

Mr. GRASSLEY. Mr. President, I rise in support of the amendment by my colleague, Senator MCCAIN.

I supported Senator MCCAIN's earlier effort—in June of this year on the dire emergency supplemental appropriations bill—to reconsider portions of the catastrophic loss protection program and on that occasion stated my views on Senator MCCAIN's proposal at some length.

As I said on that occasion, it has become absolutely clear that a very large group of those affected by the program are passionately opposed to it. This is clear from the mail we have received which is opposed to the program. I have received now more than 8,000 letters on the program, all, or virtually all, opposed to it. This is clear also from comment received at my listening posts around the State, from poll results, and from positions taken by many organizations purporting to represent groups of older people.

I should note also, Mr. President, that many of those who supported the original legislation had reservations about it when it passed. While some benefits seemed good, other did not seem as good. Estimates of future costs seemed understated, and the potential for redtape great. Many Members decided that, on balance, the benefits of the legislation outweighed the liabilities. Other Members decided that the liabilities outweighed the benefits.

What is happening now is that a substantial portion of Medicare benefi-

ciaries are telling us that this program should be revisited.

In these circumstances, Senator McCAIN's legislation offers a reasonable way to proceed. To this Senator, it certainly seems preferable to other proposals which are under consideration or which have been acted on recently in the other body.

Senator McCAIN's proposal would not impede implementation of several of the most important benefits authorized by the act, including the simplification and extension of the hospital protection under part A, and the spousal impoverishment protection. The benefits which would go forward could be paid for the basic, flat premium of less than $5 per month.

All other features of the program, including the supplemental premium, would be postponed, not canceled, until the committees of jurisdiction could reconsider them.

So far, Mr. President, this McCain proposal seems vastly preferable to other actions that have been taken. I refer, of course, to the recent action of the Committee on Ways and Means in the other body.

I think two features of the Ways and Means revision are particularly distressing.

First, the catastrophic program would be voluntary. On the surface, this sounds fine. Unfortunately, voluntary has a very peculiar meaning as used by the committee. Voluntary means that a beneficiary would not have to enroll in the catastrophic program. But in order to opt out of the catastrophic program, an individual would also have to opt out of all of Medicare part B. Part B is the part of the Medicare Program that provides all physician insurance for beneficiaries.

What a terrific deal. In order to get out of the catastrophic program, you have to give up your physician insurance under Medicare. I think someone in the other body called this blackmail, and that is surely what it is. I can just imagine how the Medicare beneficiaries who have been opposing the catastrophic program will feel when they get wind of this proposal.

Second, the Ways and Means revision would re-jigger the financing of the program by shifting more of the burden of paying for the benefits to lower income beneficiaries. In other words, we want to ease the financing burden on the taxpaying, middle class older person, so we do so by making the lower income Medicare beneficiary pay more.

I must say, Mr. President, if that is the direction some Members want to go on this program I must part company with them.

I certainly hope that neither the Finance Committee nor the Senate will be inclined to follow the Ways and Means Committee approach to revision of the program. The McCain bill is surely vastly preferable to that approach, and, until I see something better, I intend to support it.

Mr. DIXON. Mr. President, I support the McCain amendment which would delay for 1 year implementation of the Medicare supplemental income-related premium and all other provisions of the Catastrophic Coverage Act which are not yet in effect.

I can relate to anxieties of a person or family saddled with a catastrophic condition. My mom had Alzheimer's disease the last 5 years of her life. Help was very expensive; it can decimate the life savings of a family. So I know how important catastrophic health coverage can be.

Nonetheless, opposition to the so-called surtax provision in the 1988 Catastrophic Health Coverage Act has come up over and over in each of my town hall meetings back in Illinois. I have heard more complaints about the surtax requirement than any other issue during these meetings.

One alternative to resolve the surtax concern raised by my constitutents is to have all U.S. citizens pay for some of the Medicare catastrophic coverages. This would not be responsible since we already have a serious budget deficit. Additionally, the President has said "no new taxes," and we have agreed on a budget with no new taxes. Essentially, we have reduced everything in the budget, including the military.

I believe that the McCain amendment is the best alternative for meeting my commitment to my constituents, and responding to their concerns. By delaying for 1 year implementation of the medicare surtax provision and some of the Medicare benefits, we, and the Medicare beneficiaries, will have time to determine what coverages are most desired, as well as which ones can best be afforded by beneficiaries themselves.

The amendment would fully preserve the unlimited long-term hospital benefits, and the skilled nursing care and spousal impoverishment benefits. They will be financed by the flat $4 premium which became effective in January 1989.

Finally, all other provisions of the Catastrophic Act will be delayed for 1 year, including the surtax, which has been strongly opposed by so many of my constituents who are Medicare beneficiaries.

As many of my colleagues may remember, on June 7, 1989, I voted with the majority for the sense-of-the-Senate amendment which directed the Finance Committee to make some changes in the Medicare Catastrophic Coverage Act, including modification of the surtax provision. The committee was directed to address these issues of concern prior to September 1989.

Mr. President, I still desire to have the Finance Committee address these issues. However, knowing that this body is scheduled to be in recess from August 7 through September 5, I do not see how a rational solution can be reached in the few remaining days. I believe that the McCain amendment is the only viable solution for all parties concerned available at this time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I make a point of order based on two bases: First, that this is legislation on an appropriations bill; and second, that the adoption and enactment into law of the McCain amendment to H.R. 2696 would result in an increase of several billion dollars of the amount by which revenues would be less than the appropriate level of total revenues set forth in the concurrent resolution on the budget for the fiscal year 1990 causing the current level of revenues to fall below the revenue floor and the concurrent resolution by several million dollars in violation of section 301(a) of the Budget Act. Consequently, if we took this bill to fruition, the whole bill would be in violation of the Budget Act and would fall. So, therefore, I make that point of order.

Mr. DANFORTH. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. DANFORTH. Is the point of order debatable?

The PRESIDING OFFICER. The point of order is not debatable unless it is either submitted to the Senate for its decision or at the sufferance of the Chair.

Mr. DANFORTH. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, reserving the right to object, I see the Senate floor is full of Senators who want to debate catastrophic health care. I am very sympathetic, as I told the Senator from Arizona, to what he is trying to do. I am not quite sure I understand completely what it is, but if we get into a full-scale debate on this, we will never finish this bill which is very important. There is another time and place other than energy and water, which contains the central Arizona project, nuclear weapons, and everything else. I wonder if the Senator could allow us to go forward with energy and water and not get involved in——

Mr. McCAIN. Will the distinguished chairman yield to me?

Mr. JOHNSTON. Yes.

Mr. McCAIN. If I can get a unanimous-consent agreement that I can have an up-or-down vote on this

amendment as a freestanding bill next week, I will be more than happy to remove it.

Mr. BENTSEN. I will object to that.

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

The PRESIDING OFFICER. The Senator from Louisiana, the manager of the bill, has reserved the right to object to the unanimous-consent request of the Senator from Missouri.

Is there objection to the request?

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

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

Mr. JOHNSTON. Mr. President, I remove my reservation for consideration on the unanimous-consent request pending.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that he proceed for 10 minutes? Hearing no objection, it is so orderded.

The Senator from Missouri is recognized for 10 minutes.

Mr. DANFORTH. Mr. President, I thank the Chair and I thank the manager of the bill.

Mr. President, I support the McCain amendment. However, I am not sure that it goes entirely to the main point which I think we in the Congress should be debating with respect to catastrophic health insurance. The McCain amendment goes, as I understand it, principally to the question of the financing mechanism for catastrophic health coverage.

That, in fact, has been the issue which has been debated in the House of Representatives: What to do with the financing mechanism, what to do with the surtax, whether somehow the financial burden that has been created by the surtax could be shifted to somebody else. To be sure, financing is an important issue. But I must say that, when I consider the question of who else should pay the cost, I do not readily see an alternative which I would consider a compelling improvement over what is in the law now.

Mr. President, I would like to raise in just a few minutes another point which I think ought to be more critical to us than the financing issue. That is the question of what we are paying for in the first place. Do we really want a catastrophic health care program of the sort that we enacted in 1988? I supported this proposal last year. I served on the Senate committee that developed it. I thought the catastrophic program was something that the elderly of America wanted, that the elderly of America feared catastrophic illness and wanted the protection afforded by this program.

I assume, Mr. President, one way or another we are going to be spending a great deal of money for health care costs for the elderly in the years to come, and those costs are going to continue to rise. So the question I raise is not whether we are going to be devoting substantial resources to health care for older people. My question is whether that spending program should be in the form of catastrophic health care or whether we should focus on something older Americans may want more, such as long-term health care.

As I have gone back to my State of Missouri and appeared in town meetings pretty well packed with senior citizens who oppose the catastrophic bill that was passed last year, I have been deeply impressed that their concern was not directed solely at the financing mechanism which imposes a heavy cost on them.

I asked senior citizens whether their concern went also to the program's benefits. Repeatedly, I was told by them that these catastrophic benefits were not exactly what they had in mind. Many said that if they wanted catastrophic health insurance, they could buy it. But they were not sure that catastrophic care was the kind of care they wanted for their money.

Essentially, what I found in talking to my older constituents was that they have a fear greater than the fear of catastrophic illness. They feared not that they would have a major medical crisis requiring prolonged hospital care and expensive, high-technology medical procedures, but, rather, that they would not have any crisis at all and would simply go on aging wearily until they died. Instead of being afflicted with a crisis, the older people with whom I spoke were at least as concerned that they would just wear out in an institution somewhere. They seemed not so much to fear spending their last years, months, and days in a hospital being kept alive by heroic medicine with the most advanced technology, but, rather, gradually losing their physical health and their mental faculties and biding their last years, months, and days in a very sad and lonely place where they are warehoused and kept alive.

Now, Mr. President, we hear a lot about playing God when it comes to taking the life of somebody. But I sometimes wonder whether it is not equally playing God when we resort to heroic medical procedures for the purpose of keeping people alive for prolonged periods of time, even though they do or may not want to be. Older people have said to me that they wish they could just be free to pass on when their time comes.

So the concern I raise is whether catastrophic insurance is the way we ought to spend our finite health care dollars. I am told that around 27 percent of Medicare is spent in the last year of a person's life. Is that really the best allocation of resources? I do not know the answer to that question. More than everything else, this is an ethical issue. I believe it is an issue that calls for the deepest kind of ethical thinking of which we are capable. Clergy, ethnicists, medical providers, older people, and the American public generally must help those of us in elected office find an answer. It is not the kind of thing we do or want to talk about much. We assume that most people simply want to be kept going by expensive, high-technology medicine. But do they, do we, really? Do we want no expenses barred to keep somebody alive for 3 months or 6 months? I do not know the answers. What I do know is that these are the main questions we should be asking as we look into the future at our aging society.

My intention, Mr. President, is to introduce a bill shortly which does two things. First, it repeals the catastrophic law enacted last year, except for the Medicaid provisions. The repeal would not be immediate but would be phased into protect those people who are already using the program. Second, it instructs the Senate Finance Committee to come back to the Senate in half a year with a proposal for that kind of care for our elderly citizens which treats them with dignity and respects their wishes for the final stage of their lives.

I am concerned that we have developed a program of major care that many elderly people do not seem to want. I am concerned that in so doing we may be trying to play God. In my judgment, the best thing to do is to repeal the program and revisit this critical issue. And we should revisit it in a very sober and very serious way.

Mr. President, I thank the managers of the bill for their indulgence.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The pending business is not debatable, and it is the point of order——

Mr. JOHNSTON. Mr. President, would the Chair withhold? I ask unanimous consent that we lay aside the present matter temporarily for not to exceed 10 minutes, that it do become the pending business at the end of 10 minutes or at the end of the business which we are prepared to transact, whichever is sooner, in order to consider a Bumpers amendment, if Mr. BUMPERS has a contested amendment, and if he is available.

Mr. SYMMS. Reserving the right to object, Mr. President, if I could ask the floor manager to yield for a ques-

tion, Is he asking to set-aside the pending McCain amendment?

Mr. JOHNSTON. The pending McCain amendment and the ruling of the Chair on the point of order as well while they have the powwow going so we can use this time. We would like to get this bill concluded this afternoon. It has a lot of important stuff in it, including the central Arizona project, the central Utah project, all the nuclear weapons of the country, all the national laboratories, and water projects throughout the country. It is an important bill. We want to get it out this afternoon.

Mr. SYMMS. Further reserving the right to object, I certainly agree that this is a very important bill, and I compliment the committee on their expeditious action to bring it to the floor. I just was inquiring as to the opportunity. I wanted to speak to the McCain amendment if it was going to be possible.

Mr. HATCH. Mr. President, reserving the right to object—Mr. President?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. What is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation is that a point of order, two points of order, have been submitted to the Chair against the McCain amendment. The Chair is prepared to rule on those points, but the request of the Chair is that he separate the points of order so the Chair can rule on them one at a time. It is not debatable.

Mr. HATCH. Reserving the right to object, is it possible to find out which of the points of order the distinguished Senator from Louisiana is going to first bring up?

The PRESIDING OFFICER. That is at the option of the Senator from Louisiana.

Mr. HATCH. Would the Senator mention that so we all know where we are?

Mr. JOHNSTON. Mr. President, if I may withdraw my unanimous-consent request and ask unanimous consent that I be recognized to respond for not more than 2 or 3 minutes to the Senator.

The PRESIDING OFFICER. There is a unanimous-consent request of the Senator from Louisiana that he be recognized for 2 minutes to respond to the questions that have been propounded to him. Is there objection?

Mr. HATCH. Without losing the right to the floor, I certainly agree with the unanimous consent.

The PRESIDING OFFICER. The Senator from Louisiana has the floor on the point of order. The reservation of the right to object——

Mr. HATCH. I thought I had the floor. I would be glad to do that. That would be fine.

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

The Senator from Louisiana is recognized for 3 minutes.

Mr. JOHNSTON. Mr. President, in answer to the Senator's question, I wanted to wait for the powwow to come back. Perhaps they have worked it out. I have an idea of what I want to do. But I think the majority leader wants a chance to talk to the minority leader before a decision is made. So, Mr. President, I suggest the absence of a quorum.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold his suggestion for a quorum? The Senator has the floor on the point of order, and has the floor on the unanimous consent for 3 minutes.

Mr. JOHNSTON. Mr. President, I would like to expunge the remainder of my 3 minutes from the record and suggest the absence of a quorum.

Mr. SYMMS. Mr. President, would the Senator yield for 5 minutes instead of the quorum call so I might speak?

The PRESIDING OFFICER. Does the Senator from Louisiana withhold the suggestion for the quorum?

Mr. JOHNSTON. Mr. President, I would not, because otherwise we get into a full-scale debate. That is what we either will do or we do not. So I suggest the absence of a quorum.

Mr. HATCH. Would the Senator yield for one question? Because his time has almost expired. Could the Senator just for the purposes of the record tell us which point of order he is going to put forward?

Mr. JOHNSTON. I have an idea, but I am not sure. I want to talk to the leader.

Mr. HATCH. Reserving the right to object, it is my understanding that he can move to a point of order but only one at a time; is that correct?

The PRESIDING OFFICER. The Chair has requested that the Senator separate his two points of order. The Senator from Louisiana has not responded as yet. The Chair made that request. The Chair will rule on the points of order as he makes them, whatever order he makes them in.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. 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. JOHNSTON. Mr. President, I ask temporarily that the Chair withhold a ruling on the point of order and that I may be allowed to speak not beyond 2 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection——

Mr. HATCH. Reserving the right to object, will there be an equal amount of time given to this side?

Mr. JOHNSTON. Mr. President, I withdraw the request.

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. JOHNSTON. 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. JOHNSTON. Mr. President, I ask that I be allowed to proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator is recognized for 2 minutes.

Mr. JOHNSTON. Mr. President, I simply wanted to alert all Senators who have amendments to come to the floor at this time. Senator McCAIN has agreed that while we have the various conversations going on, that we consider amendments which are noncontroversial, which will not take a great deal of time. That way when we finish this matter, hopefully, we can go to third reading of the bill.

It is very important that we finish this bill today. So I would ask all Senators who have any amendments to please come to the floor, and we would seek to consider those by temporarily laying aside the present business.

I yield back the remainder of my time.

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. JOHNSTON. 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. JOHNSTON. Mr. President, I ask unanimous consent that the pending matter be temporarily laid aside for not to exceed 10 minutes in order to consider the Bumpers amendment.

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

AMENDMENT NO. 445

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. HARKIN, proposes an amendment numbered 445.

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

Mr. JOHNSTON. Mr. President, I object. I have not seen the amendment so I want to hear it.

The legislative clerk read as follows:

On page 43, line 6, after the word "University", add the following: "; and of which $3,300,000 shall be available only for the Reduced Enrichment in Research and Test Reactors program and not for program termination activities."

Mr. BUMPERS. Mr. President, this is an amendment which would continue a program that I think has a lot of merit. The whole thrust of it is to develop enriched uranium for research reactors that are being used overseas.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BUMPERS. I yield.

Mr. JOHNSTON. I hate to interrupt him.

Is this an add-on or a shift of funds?

Mr. BUMPERS. It is not an add-on. It requires DOE to use $3.3 million of their R&D money.

Mr. JOHNSTON. So then that is within available funds.

Mr. BUMPERS. That is right.

Mr. JOHNSTON. In that case I would say to the Senator that was our understanding and we are prepared to take the amendment to conference.

Mr. BUMPERS. The Senator does not want to hear this barn-burning speech I was getting ready to make? Is that what the Senator is saying?

Mr. JOHNSTON. Mr. President, I would like to hear the speech.

Mr. BUMPERS. Mr. President, he has hurt my feelings, so I am just going to let him accept the amendment.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I would just say this in a more serious vein. I do not know whether this program is going to be fully successful or not, but if we can develop an enriched uranium that we can export to other countries for fueling of their research reactors and this uranium is incapable of being used to produce bombs and reduce the threat of terrorism, it will be the best money we ever spent.

Admiral Watkins, the Secretary of Energy, is hot for the program. I do not know what the administration thinks, but I know Jimmy Carter and Ronald Reagan both thought it was a great program.

We are exporting enough uranium right now to these research reactors to manufacture around seven to eight bombs per year. It is a very dangerous thing, and this whole amendment is designed to eliminate that threat.

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

Mr. BUMPERS. I will be happy to yield.

Mr. McCLURE. Mr. President, this is an amendment which I cosponsored along with the Senator from Arkansas and the Senator from Ohio [Mr. GLENN].

It has been adopted as a provision in a different bill. It belongs in this bill.

I would like to be added as a cosponsor of the amendment if that has not been done, and I ask unanimous consent that I may be made a cosponsor.

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

Mr. McCLURE. I thank the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I also ask unanimous consent that Senator GLENN and the Senator from Oregon, Mr. HATFIELD, and the Senator from Washington, Mr. ADAMS, also be added as cosponsors of this amendment.

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

Mr. BUMPERS. I thank the Chair.

Mr. GLENN. Mr. President, I rise in support of the amendment offered by my friend and colleague from Arkansas, Senator BUMPERS, to increase funding for the RERTR Program by $2.1 million, to an fiscal year 1990 level of $3.3 million.

Eight years ago—almost to the very day—I introduced a resolution (S. Res. 179) calling for a variety of measures that are needed to strengthen our efforts to stop the spread of nuclear weapons (see CONGRESSIONAL RECORD, July 17, 1981, p. S7858). That resolution passed by a vote of 88 to 0. Among the measures identified in that resolution was a provision calling upon the President to take immediate actions aimed at:

> • • • limiting the size of all research reactors transferred, eliminating the use of high enriched uranium in such reactors, and obtaining the return of spent research reactor fuel to the country of origin.

The RERTR—or Reduced Enrichment of Research and Test Reactors—Program provides technical assistance to other nations so that they can convert their weapon-grade uranium research reactor fuels to low-enriched fuels that cannot be used in nuclear explosives. The program has already developed fuel types that can be used at about 90 percent of existing research reactors—the remaining 10 percent, however, still require about 300 pounds each year of bomb-grade nuclear fuel from the United States.

Thus, although RERTR has had significant technical accomplishments in its 11 year history, its job is not yet done. The additional funding sought by Senator BUMPERS and supported by the Secretary of Energy, Admiral Watkins, is a good investment in a good program. It will keep America's global leadership position in the field of low-enriched research reactor fuel development, and it will sustain a strong technical contribution to our global nuclear nonproliferation policy.

I commend Senator BUMPERS for his wisdom in introducing this amendment, and I commend Admiral Watkins for his recognition of the importance of this program to the nation's effort to reduce the risk of nuclear terrorism and proliferation.

Mr. President, I ask unanimous consent to insert a few excerpts on the accomplishments of the RERTR Program from President Bush's Annual Report to Congress on Nuclear Nonproliferation, which was just sent to Congress on July 19. These comments clearly show the contributions that RERTR is making to our nonproliferation policy and to our national security.

I urge you to join us—as well as other diverse supporters of the RERTR Program including former Under Secretary of Defense Fred Ikle, Ambassador at Large for Nuclear Non-Proliferation Policy Richard Kennedy, former ACDA Director Ken Adelman, Representative MARILYN LLOYD, the Nuclear Control Institute, the Federation of American Scientists, and other groups and individuals—in support of this program and Senator BUMPERS' amendment.

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

REPORT TO CONGRESS PURSUANT TO SECTION 601 OF THE NUCLEAR NON-PROLIFERATION ACT OF 1978 FOR THE YEAR ENDING DECEMBER 31, 1988

To the Congress of the United States:

I have reviewed the activities of the United States Government departments and agencies during the calendar year 1988 related to preventing nuclear proliferation, and I am pleased to submit my annual report pursuant to section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

As the report demonstrates, the United States continued its efforts during 1988 to prevent the spread of nuclear explosives to additional countries. This is an important element of our overall national security policy, which seeks to reduce the risk of war and increase international stability. I want to build on the positive achievements cited in this report and to work with the Congress toward our common goal: a safer and more secure future for all mankind.

GEORGE BUSH.

THE WHITE HOUSE, *July 19, 1989.*

REDUCED ENRICHMENT FOR RESEARCH AND TEST REACTORS

The Reduced Enrichment for Research and Test Reactors (RERTR) Program was begun in 1977-78 as a result of Congressional and public concern about the possibility of diversion of highly enriched uranium (HEU) to nuclear weapons by nations or terrorists. The objective of the program is the reduction of the need for HEU in commerce through: (1) development of low enriched uranium (LEU) fuels for research reactors which can be substituted for existing HEU fuels; (2) assistance in developing qualified LEU fuel suppliers; (3) encouraging suppliers of test and research reactors to design and market only LEU fueled reactors; and, (4) encouraging test and research reactor operators to convert existing reactors to LEU fuel use. The RERTR program has continued to produce successful results during 1988. LEU fuel technology appropriate for over 80% of existing research reac-

tors that use LEU fuel has been developed. Argentina, Canada, the FRG, France, and the U.S. now market LEU fuels, and Denmark and the UK may do so in the future. Ten reactors in nine countries have converted to LEU fuel, and nine other reactors are in advanced stages of the process. The RERTR program is discussed in greater detail in the next chapter.

D. REDUCTION OF ENRICHMENT IN FUEL FOR RESEARCH AND TEST REACTORS

The Reduced Enrichment for Research and Test Reactors (RERTR) program, established by the United States in 1978 to develop low-enriched uranium (LEU) fuels to replace weapons-grade highly-enriched uranium (HEU) fuels in research reactors, continued to make progress. At the eleventh annual international RERTR meeting, held in September 1988, 84 participants from 17 countries and the IAEA presented and discussed 34 papers. The papers and discussions reflected excellent results in the testing and licensing of high density (up to 4.8 grams uranium per cubic centimeter) LEU silicide fuels. There were also discussions of the continued progress in research into replacement of HEU by LEU in targets for the production of molybdenum-99 for medical uses. Argonne National Laboratory (ANL) reported on new fuel fabrication techniques which could lead to successful development of very high density LEU silicide fuels needed to convert the very high powered research and materials test reactors to use of LEU.

On July 18, 1988, the NRC issued NUREG-1313, granting formal and generic approval of the use of uranium silicide (U3Si2-Al) fuel in research and test reactors, with densities up to 4.8 grams of uranium per cubic centimeter. In addition, 4 university reactors in the U.S. have already converted to LEU and 2 others have ordered LEU. Coordination of safety calculations and evaluations for seven other U.S. university reactors is well underway.

Internationally, cooperation continues among major fuel fabricators, commercial vendors and reactor operators. ANL has cooperated in every aspect of LEU conversion under joint study agreements covering 10 U.S. reactors and 24 reactors in 19 other countries.

The United States remains the principal exporter of HEU for use as fuel in research and test reactors. Some 43 reactors abroad with power levels equal to or greater than 1 megawatt, which require regular refueling, continue to use HEU. However, most of these can be converted to LEU fuels, with relatively few technical changes, as soon as host government nuclear authorities license the new fuels for full core use. Two reactors abroad have fully converted to LEU and 4 others have partially converted. In addition, 37 research reactors with power levels of less than 1 MW, which rarely need refueling, continue to use Western origin HEU. In 1988, approximately 366 kilograms of HEU for seven research and test reactors (including 136 kilograms of 45 percent enriched uranium for two Japanese reactors) was licensed for export from the United States. The 1988 total also includes 10.7 kilograms of HEU exported for use as targets for the production of medical isotopes in various reactors in the European Community.

Conversions to LEU have been relatively slow because schedules ordinarily are dictated by the fuel inventory at each reactor. Moreover, since the U.S. leads the RERTR program, other countries have waited for results of fuel tests such as the Oak Ridge Reactor LEU silicide fuel demonstration completed in March 1987, and licensing actions such as the July 1988 NRC issuance of NUREG 1313 approving medium density silicide fuel for use in U.S. research and test reactors. In each country, several years are needed to complete safety analyses and obtain authorization to use the new LEU fuels. Lower power reactors which use fuel slowly can take 5 to 10 years to convert as LEU gradually replaces HEU in the fuel core. In some countries, licensing authorities are imposing substantial higher safety standards ("backfitting") before use of the new LEU fuels are authorized.

Is there any further debate? There being no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 445) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON. 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. JOHNSTON. 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. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes.

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

Mr. JOHNSTON. Mr. President, we have asked twice here on the floor that any Senators who have amendments, other than the pending amendment, come to the floor so we can attend to those amendments.

I have gotten no response from Senators and after the expiration of a reasonable amount of time I would like to ask for unanimous consent that no other amendment be in order on this bill other than the pending matter and germane amendments thereto, if found to be in order under the rules.

I do not ask that at this time but I would like to ask that in 10 or 15 minutes.

As I say, two or three times here we have asked Senators to come to the floor. I know of no amendment. No Senator has told me that he has an amendment. So, in 10 or 15 minutes I will make that request.

I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. 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. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes.

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

Mr. JOHNSTON. Mr. President, about 25 minutes ago, I said that within the next 10 or 15 minutes I would ask unanimous consent that all amendments other than the pending matter and germane amendments thereto be declared out of order if no Senator put me on notice that he had an amendment. I have not been informed of any such amendment. On a couple of occasions prior to that time, I had also asked Senators to come to the floor. So I therefore, Mr. President, ask unanimous consent that no amendments to this bill be in order other than the pending matter and any germane amendments thereto in order under the rules.

Mr. KASTEN. My understanding is that our side of the committee has no objections to that request.

Mr. JOHNSTON. I am sure that is correct. Senator HATFIELD was here at the time.

Mr. KASTEN. We have no objection.

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum. I wish to talk to the managers of the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSTON. I renew the unanimous-consent request.

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

Mr. JOHNSTON. I thank the Chair.

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

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

Mr. JOHNSTON. Mr. President, I ask the distinguished chairman of the Appropriations Committee to listen to this request. I am not sure that this was carried as part of my last unanimous-consent request, but I would ask unanimous consent that at the conclusion of action on all amendments which are in order under the unanimous-consent request, we proceed immediately to third reading without additional action, motions, or debate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

ADDITIONAL CONFEREES—H.R. 2788

Mr. BYRD. Mr. President, the chairman and ranking member of the Appropriations Committee are ex officio members on all conferences dealing with all appropriations bills. There are 13 regular bills and the Senator from Oregon being the ranking member on the full Appropriations Committee is entitled to be in that conference on the Interior bill.

Yesterday, when I named the conferees I inadvertently failed to include his name.

Therefore, I ask unanimous consent that Senator HATFIELD, who is an ex officio on all subcommittees, be included among the conferees and that Senator INOUYE, as the ranking Democrat, be added as a conferee on the Interior appropriations bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

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

The PRESIDING OFFICER. The pending business is a statement by the manager of the bill as to which of the two points of order earlier mentioned he seeks to pursue first.

Mr. JOHNSTON. Mr. President, the distinguished majority leader had a unanimous consent to be made first.

The PRESIDING OFFICER. Without objection, the majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Louisiana be recognized to select the point of order which he is about to make; that immediately following that, the Senator from Arizona be recognized to make a motion to waive the point of order; that there then be 30 minutes of debate on the motion to waive the budget point of order equally divided between Senator MCCAIN and Senator BENTSEN or their designees; and that on the completion of that debate, or the yielding back of time, there be a vote on the motion of the Senator from Arizona to waive the point of order.

Mr. DOMENICI. Mr. President, reserving the right to object, I just want to make an inquiry. The Senator from New Mexico might want to ask some questions and perhaps use a little bit of time when the motion to waive is debated. I wonder if the majority leader might add to the 30 minutes equally divided 15 minutes to the Senator from New Mexico.

Mr. MCCAIN. Mr. President, it is OK with me if it is OK with the other side. It seems to me, if we extend the time, we should give the other side 15 minutes additional as well.

Mr. MITCHELL. Could the Senator from New Mexico indicate, is it his intention to use his time in support of the Senator's motion or in opposition?

Mr. DOMENICI. I can be honest with you. It depends on what I hear in answer to some questions that will be made here on the floor.

Mr. MITCHELL. I think in fairness to both sides——

Mr. DOMENICI. That is fine with me.

Mr. MITCHELL. There ought to be equal time. Accordingly, I amend my unanimous-consent request to ask that there be 60 minutes of debate equally divided under the control of Senator MCCAIN and Senator BENTSEN or their designees, and in all other respects, the unanimous-consent request to be as previously stated.

The PRESIDING OFFICER. Is there objection?

Hearing none, that will be the order.

The time will be limited to 60 minutes equally divided on a motion to waive the point of order, motion to waive the budget resolution, if that motion is made by the Senator from Arizona.

The Senator from Louisiana is recognized under the order to select which of the two points of order he wishes to pursue at this time.

Mr. JOHNSTON. Mr. President, reserving all rights under the point of order that relate to legislation on the appropriation bill, I make a motion under section 311(a) of the Budget Act that the amendment is not in order, because it exceeds by several billion dollars the allocation allowed to this committee and to this bill under the Budget Act. It would therefore put the whole bill in jeopardy.

I make that motion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to waive those provisions of the Budget Act which apply to this amendment.

The PRESIDING OFFICER. The motion is debatable. Time is divided with 60 minutes equally divided.

Mr. JOHNSTON. Will the Senator from Texas yield me 3 minutes?

Mr. BENTSEN. I am delighted to yield 3 minutes to the manager of the bill.

Mr. JOHNSTON. I thank the Senator from Texas for yielding to me.

Mr. President, the position of manager of an appropriations bill is a difficult and responsible position. In this appropriation bill, as I have said before, we have all the nuclear weapons of the United States, all of our national laboratories, all of our water projects for the country, including the biggest water project in the whole country, which is the central Arizona project. We have many life and death projects involving life and limb, with respect to flooding, in my State and other States. We have all of the Department of Energy, nuclear cleanup, which is a huge problem, nuclear waste. We have general science and technology.

Mr. President, I know the Senate knows, and I tell the American public, it is a vitally important bill. Now, I am for what the Senator from Arizona is trying to accomplish, as I understand it. I am not an expert in that area, but as I understand it, I am for wanting to accomplish that. But, Mr. President, if we accepted that amendment on this bill, it would not only violate the so-called Gramm-Rudman law, but it would make our whole bill subject to a point of order so that the whole bill would fall, if challenged under a point of order.

So, Mr. President, my only alternative is to make a point of order, not because I disagree with what the Senator is trying to do, but because that is the law that we have passed for our-

selves; and if we are going to waive it, it seems to me that we might as well waive the whole budget discipline.

I am advised by my colleague from Texas, Senator BENTSEN, that there will be other ways, other legislative vehicles on which this matter may be considered by the Senate. I hope so. It is not my intention, I repeat, to oppose this matter on its merits. It is my intention to protect the bill that I have responsibility for, which is a vital part of the Nation's national defense, of its scientific efforts, of its waste cleanup, of its nuclear cleanup, of its water projects, providing for life and limb.

So, Mr. President, I hope my colleagues understand that. It is part of my responsibility, I believe, as a manager of this bill, to do that.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 5 minutes to the Senator from Utah.

Mr. HATCH. Mr. President, I again rise in support of the amendment offered by the distinguished Senator from Arizona to delay the implementation of many of the provisions of the Medicare Catastrophic Coverage Act of 1988. I believe that we in Congress have to respond now to the fire storm of discontent among our seniors. We have to delay provisions of this act not already implemented to allow time for an adequate examination of the problems with this law.

It has been almost 2 months since this amendment was offered to the supplemental appropriations bill. The Finance Committee hearing has been held and we are grateful about that. New CBO numbers have been put forward. Yet, there has been no legislative action. I know we are all still receiving letters and phone calls from angry seniors. Seniors around this country are angry with that act for three basic reasons. First, they do not like the cost and financing this particular plan. Second, they do not like the particular benefits that Congress has dictated that the plan include. And, third, and perhaps most important, they do not like the Federal Government mandating that they must participate in this new program.

Two months ago, my colleagues passed a substitute resolution asking that the Finance Committee consider modifying the act prior to September 1989. Well, we are now only a few days away from August recess and therefore September. Although there seems to have been much activity surrounding revising this act, there has been no clear action. In fact, I think that there is even greater uncertainty and controversy surrounding this particular bill today.

Over the past few months, a great number of experts have been revisiting the act to try and find answers to the concerns raised by our Nation's seniors. The Joint Center on Taxation, the Congressional Budget Office, and even Secretary Sullivan have been reexamining the projected revenues and expenses associated with this act in an effort to respond to concerns about financing. During the recent Finance Committee hearing, the Congressional Budget Office released new projections which suggest that the previous estimates of an $8 to $10 billion surplus over 4 years, have now been reduced to a $5 billion surplus. So, in just a few months, the CBO estimates of what this program will cost have increased by $3 billion. Mr. President, that's not just a rounding error. Clearly, a high degree of uncertainty continues to surround this act. And I am fearful that if we don't put the brakes on those parts not implemented, we will find ourselves with even different dollar projections in the next 3 months.

On top of this uncertainty, there is still a lot of controversy over what benefits to include in the bill and who is going to pay for them. The Finance Committee has held two hearings already—after the bill was signed into law—and the House Ways and Means and Energy and Commerce Committees have also been reviewing this law. Now, I will be the first to agree that controversy can be good, it helps us design good law in the spirit of the democratic process. But the evolution of controversy into good public policy takes time.

I am concerned that the quick-fix legislation which passed by a narrow margin—19 to 17—in the House Ways and Means Committee is an example of good controversy gone bad. The Ways and Means proposal would cut the supplemental premium, while increasing the flat premium. It will also increase certain deductibles. Now I'm sure that this may make some seniors happy, but I'm equally sure that it will further burden the low-income elderly. And, it truly does not reflect senior's malcontent. These mandated benefits, which they may not want, will be forced upon them.

And, remember that the projections which have driven these premium revisions have changed by $3 billion in 2 months. Rather than attempt a quick fix, what we really need to do is to take the time to reconstruct a package of benefits that seniors are willing and able to purchase at an affordable cost.

Now, I have a lot more that I would like to say, but my time is basically up.

The House Ways and Means Committee has also attempted to dupe our seniors into believing that this will now be a voluntary program. It will be voluntary all right, if you close your eyes and ignore the big stick above your head. They say seniors may opt out of catastrophic, but they will also lose their part B benefits. Let us face it, in reality this claim is simply a false political promise to our Nation's senior citizens. Part B benefits are subsidized at 75 percent of the cost. Part B benefits provide seniors with services they need like physician visits and outpatient services. The so-called voluntary approach is misleading, and, I, for one, am not willing to lead seniors on by telling them this really gives them a true option. Our colleague from Wyoming has a proposal which makes the catastrophic program truly voluntary. This is what we should be doing—not merely making another illusory promise to placate our senior constituents.

Given the high degree of uncertainty and controversy which continues to surround the Catastrophic Act like a black cloud, I suggest that we in Congress have no choice but to delay the implementation of these benefits in order to give us the time to thoroughly revisit the act. The McCain-Hatch amendment would protect those benefits which have already gone into effect. These include long-term hospitalization and skilled nursing benefits as well as the spousal impoverishment provision. These benefits can be paid by continuing the flat monthly premium.

The remaining catastrophic provisions would be delayed for 1 year pending review by Congress. The amendment would delay collection of the surtax as well as the cap on physician expenses and the prescription drug benefit. I would like to point out that these are some of the areas of greatest financial uncertainty.

Some of my colleagues have suggested that we cannot delay implementation of the Catastrophic Act because of its net budget effect. According to the Joint Tax Committee, the net effect of this amendment would be several billion dollars increase in the budget deficit. This financial impact is not because we will be paying more in benefits to seniors than we are collecting in revenues. It is because we will not be collecting surplus revenues from seniors for which they will receive no immediate benefits.

I think we have to be honest. We are taxing the senior citizens of America to finance the deficit. It makes our balance sheet look better so we will not have to make tough choices in other areas of Federal spending. We will not have to tighten our belts with regard to other Federal spending programs.

Mr. President, I do not think we should balance the budget on the backs of seniors, and I urge our colleagues to join us in trying to get this matter up to a vote and voting on it.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator has used the 5 minutes allocated to him.

Mr. HATCH. If I could just have 30 more seconds I will finish.

Mr. McCAIN. I yield 2 additional minutes to the Senator from Utah.

Mr. HATCH. I thank my colleague.

I am especially concerned that sound health policy, such as the development of a package of catastrophic benefits that seniors are willing and able to purchase at an affordable cost, should be destroyed by a need for a quick fix because of budget concerns.

We are talking about having the senior citizens pay for the budget, and I think that is wrong.

The reaction against the Medicare Catastrophic Coverage Act for our Nation's seniors has been long and loud. We, in Congress, have a chance to take positive steps to demonstrate our willingness and ability to respond to these constituents through the passage of this amendment.

Mr. President, let us be super clear on this: If we do not have this amendment adopted, then we are going to have seniors charged right on up through the end of this year and right into the next year and there will be no resolution of this problem. We will have budgetary difficulties in the future. I think CBO will revise its estimate and I believe that we are all going to be embarrassed by this in the future and, what is more, we are going to have every senior in America who is forced and mandated to pay into this program irritated and mad.

Some of them can afford to, but many of them cannot.

Mr. President, I personally pay tribute to the distinguished Senator from Arizona. It is not easy to bring these kinds of amendments up. It is irritating to a number of people and a number of the lions of the Senate and rightly so. On the other hand, he is representing the needs of senior citizens all over this country who I think really do want this amendment to pass.

The only way it is going to is if we grab the bull by the horns and get it passed.

I yield the remainder of my time back to the distinguished Senator from Arizona.

Mr. DOMENICI. Mr. President, will the Senator from Arizona yield some time to the Senator from New Mexico?

Mr. McCAIN. I am glad to yield. How many minutes would the Senator require?

Mr. DOMENICI. I would like about 7 minutes.

Mr. McCAIN. I yield 7 minutes to the senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if the distinguished chairman of the Finance Committee might indulge the Senator from New Mexico? I am going to make a few statements that I think are true. If they are not, I would very much appreciate it on my time if he would tell me they are not.

It is my recollection that the catastrophic health insurance bill was a freestanding bill that cleared in the normal legislative process after an ordinary conference between the two committees of jurisdiction and thus was not passed by Congress as part of a reconciliation act.

Second, when we passed that bill, there were certain estimates which one might call the front-end loading on the revenue side, kind of a temporary trust fund, because revenues were going to be collected before they were needed; and so what we have here is a 1990 budget that is counting on these up-front revenues that are not needed in 1990, but at some point in the future of the program as passed they obviously would be needed.

So that when someone offers to substantially modify that bill, so as to reduce any of the revenue base, surtax or otherwise, obviously you are depleting a portion of this temporary trust fund, this revenue accumulation which is being counted in the 1990 budget base.

So, in a sense, we are sort of in a hiatus because you cannot change the substantive provisions because to do that, if you save on revenue, you are out of order.

I do not quibble with that. I do not like to come to the floor and be part of waiving the Budget Act, but I want to suggest both to the distinguished chairman of the committee, and I see the majority leader on the floor, it is obvious that there is a pent-up frustration in the Senate. They want a vote on a significantly different catastrophic health insurance bill. Maybe that is an overstatement. They want it changed. There are some who do not want any surtax. There are some who want dramatic changes in the benefits. There are some who perhaps even want the general revenue to pay for it all and not have any surtax.

Nonetheless, Senators would like to vote on some changes.

We have on at least three occasions voted here perilously close to modifying this bill without the Finance Committee, the committee of jurisdiction, having brought us a reform bill.

I believe the Senate is going to do that sooner or later, unless the Finance Committee brings us a reformed catastrophic health insurance bill that at least the majority of the Senators who understand it now can vote for.

Mr. President, I say to the chairman of the Finance Committee and the majority leader, I remain very concerned about whether we are going to deny the Senate an opportunity to work its will on a catastrophic health insurance bill.

Let me just ask the question very, very forthrightly: Is it the intention of the Finance Committee chairman or the majority leader to bring the amended catastrophic health insurance bill to the floor in the same mode that it was created, a freestanding bill, thus it is subject to amendment, modification, substitution, or is it the intention of the leadership to bring it in the nature and in the form of a reconciliation bill?

If it is the latter, that it is going to be in a reconciliation bill, then I think all Senators should know that they are not going to get a chance to work their will because under a reconciliation bill there is an absolute strict germaneness rule which will permit those who are managing the bill to prevent amendments of almost any significant or substantive nature from being made here on the floor because they violate the rules on reconciliation.

I am not all sure, I say to the chairman of Finance and to the majority leader, that there are not some Senators who will move to waive the Budget Act if they do not think that they are going to have a chance to work their will on the floor of the Senate. I can tell you honestly that I do not believe Senators understand that.

I think if they understood that it is the intention to bring catastrophic health insurance to the floor in a reconciliation bill, they will be very reluctant to let a procedural matter such as a point of order stand in the way of them having a chance to work their will.

I urge that you commit to the Senate that if they will sustain this point of order, that it is the intention of the leadership to bring catastrophic reform to the floor before the year is out in a freestanding bill. You might say the House did it in reconciliation.

Well, they are under fire for their bill, but let me suggest to Senators reconciliation in the U.S. House of Representatives is no different from any other bill. The Rules Committee controls the amendments. They have no supermajorities and no points of order.

In the U.S. Senate a reconciliation bill is quite different. It is the substantive law of the land applied to this Senate that you cannot amend or modify in any substantial way any measure included in a reconciliation bill.

I submit it is not fair. It should not be handled that way. It did not start that way and to now clutter it up in the tax-raising revenue in all the other reconciliation and prohibit substantial votes on the Senate floor is not a fair way to treat this.

I say to my friend from Arizona he may lose today——

The PRESIDING OFFICER. The Senator has used the time allocated.

Mr. McCAIN. I yield an additional 2 minutes to the Senator from New Mexico.

Mr. DOMENICI. I say to my friend from Arizona he may lose today, but there are other Senators who are going to get the gist of this debate

today. There are some who will read these remarks tonight and before we are finished with the appropriations process, it is going to come to their attention that if we cannot get a commitment that catastrophic health comes to the floor freestanding or an agreement in advance that we can waive the germaneness rule for catastrophic insurance protection, if it is in reconciliation, I submit to you, I say to my friend from Arizona, you win. You will not win today. But unless it is clearly indicated that we are going to have a chance to work our will on that, subject to the same kinds of points of order but on a freestanding bill, I submit you might win tomorrow, you might win the day after tomorrow, because many who will vote to sustain the point of order today will join together to find a way to see that they are given a chance to vote on substantive matters pertaining to modifying the catastrophic health insurance bill.

I hope we would resolve it with the leadership committing that they will not put catastrophic health insurance in reconciliation. I hope, if they do not want to do that, they would agree today by unanimous consent to waive the strict germaneness rule so when reconciliation comes we can vote on it. In which event, if I am not here, I say to my friend, you should ask for some additional time, also, since the time is very limited on reconciliation, a few hours, so that you can debate it thoroughly. I hope this occurs.

The Senator from New Mexico does not like to waive the Budget Act but, frankly, this one is couched in a lot of technical things. There are a lot of reasons that we ought to fix the catastrophic health insurance. It is the will of the Senate. And this surplus fund was not even understood by people and now it is a point of order. Many Senators did not know we had this advance payment that was being used in the budget kind of as a surplus that was not needed to balance and get to the 1990 targets.

I thank the Senate for its indulgence and the Senator from Arizona for his time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Did the Senator say he wanted me to answer his question on his time?

Mr. DOMENICI. Mr. President, I believe that we do not have very much time. I had, essentially, 15 minutes. If the Senator would care to answer whether he intends to bring the catastrophic to the floor on reconciliation or freestanding, I would yield off of my time for any answer to that.

Mr. BENTSEN. I would be happy to.

Let me say to the distinguished Senator——

The PRESIDING OFFICER. Does the Senator from Arizona yield for the purpose of a response, or does the Senator from Texas take it from the time he is responsible for?

Mr. BENTSEN. The Senator from New Mexico said he wanted me to answer the question he was asking of me on his time.

The PRESIDING OFFICER. The Senator form Arizona is responsible for the time on his side.

Mr. DOMENICI. Let me say to the Senator from Arizona—I could have misspoken—if it leaves him without sufficient time, I certainly would not want that to occur, although I think it is very important to hear from the chairman of the Finance Committee.

Mr. McCAIN. How much time does the Senator from Arizona have?

The PRESIDING OFFICER. The Senator from Arizona has 13 minutes and 12 seconds.

Mr. McCAIN. And the Senator from Texas?

The PRESIDING OFFICER. The Senator form Texas has 27 minutes and 6 seconds.

Mr. McCAIN. I yield 3 minutes to the Senator from Texas off my time so that he may respond. I hope that is enough time for a response to the question of the Senator from New Mexico.

Mr. BENTSEN. That is fine; and I would be delighted to answer.

First: Let us review what was done initially. The Finance Committee brought the catastrophic bill to the Senate as a freestanding bill, just as the Senator stated. Frankly, that is always my preference and that is what I would like to do this time.

But I cannot stand before you and say that I can commit members of my committee, to that course of action. I do not have the authority to do that, and I would not mislead you by saying that I do.

With respect to trying to achieve what the Senator is seeking, that is to see that there is additional time to debate the catastrophic provisions if they are a part of reconciliation—to the extent that I can, I will work toward that and I would vote to permit the additional time.

Regarding points of order, I say to the Senator—and I may have second thoughts unless the Senator can support me in giving the Finance Committee adequate time to develop responsible alternatives—I would be willing to work to assure that any amendments to the catastrophic provisions of a reconciliation bill are presented before this Senate and all Senators are given a chance to vote on them.

Now, I hope those assurances satisfy the Senator. Otherwise, I withdraw the offer.

Mr. DOMENICI. I might say to my friend, it is not a question of satisfying the Senator from New Mexico.

Mr. BENTSEN. Satisfying the Senator from New Mexico is very important to me.

Mr. DOMENICI. No, it really is not.

The germaneness rule is not a rule of the Senator. The germaneness rule is a rule of the Senate. So any Member of this Senate can come to the floor, when you bring this to us in a reconciliation bill, any amendment to change it is subject to a point of order for being nongermane. We do not use germaneness around here. That is why we are free to offer any kind of amendment.

This is a whole new set of laws that the Budget Act brought in. I am concerned that almost any substantive amendment offered to reconciliation as to catastrophic is out of order because it is not germane. And that is why I am urging that you bring it to us freestanding, because then the normal rules of the Senate are in effect. It is not a question of time. It is a question of germaneness.

Mr. BENTSEN. I quite understand that, I say to the Senator, and I would be delighted to bring a catastrophic reform proposal to the Senate as a freestanding bill, but I cannot commit my committee to that. That is a decision I have to reserve to the committee.

I would also state that if it, the reform proposal, was a part of reconciliation and more time was needed for debate, I would support an effort to allocate more time. And to the extent that amendments were offered on the catastrophic provisions of reconciliation, I would do my best to see that the Senate had an opportunity to vote on them.

Mr. DOMENICI. I thank the Senator.

Mr. HATFIELD. Mr. President, will the Senator yield me 3 minutes?

Mr. BENTSEN. I am delighted to yield 3 minutes to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is yielded 3 minutes.

Mr. HATFIELD. Mr. President, there is nothing more difficult to explain to the general public than our procedures and our rules and our traditions around the Senate. You either voted for or voted against catastrophic illness on a situation that we find ourselves in now.

But I would like to make one brief attempt to say to the Senator from Arizona that I voted for that proposal that he offered before and which he is offering again, and I supported it, the whole theory behind it. And I am on record.

But I want to say, Mr. President, let us be practical and realistic for just a moment. Let us assume that the McCain amendment is attached in some way or another to this energy

and water appropriation bill. Where does it go? Where does it go? We perhaps will have a conference by next Tuesday with the House of Representatives. It is not going anywhere.

On the traditions and the rules of procedures of the House and the Senate, this bill is subject to a point of order in the House. It will never get out of conference. So what has been accomplished by the Senator from Arizona?

I will tell you what I think. The Senator has raised the hopes of those people out there who find this a difficult problem and whom I totally empathize with, that somehow on this day the U.S. Senate did something corrective, substantive, for this problem that they see in the current catastrophic illness law, when actually it will not have happened. It will raise hopes without any possible odds of seeing them fulfilled. I do not think that is a very wise thing. I do not think it is very kind to the people we are trying to help.

Now, let us take this one step further. Let us say that this is of such controversy, of such popular support, that the House conference on energy and water accepts this if it were attached. I am carrying through a speculative circumstance. Do you have any thought in your mind that DANNY ROSTENKOWSKI, the chairman of the House Ways and Means Committee, would sit there and let that come back to the floor of the House of Representatives as a conference report and be adopted? Of course not. Not a person in this body who is familiar with the power structure of the House of Representatives and the procedures and the points of order would ever have, for one moment, a reason to believe that this is going anywhere, even if it were adopted on this bill.

For goodness sake, let us move these appropriations bills through the Senate and get some kind of an order out of this chaotic business that we always have of taking school prayer, abortion, and now catastrophic illness as traditional ways of trying to resolve a substantive issue when it is never resolvable.

I urge the Senator to reassess his situation at this moment. I do not think it helps the morale of those people up there to give them a signal when we know very well that signal of resolving this issue does not mean a thing. It is not going to go anywhere. It is going to the junk heap, and that is the legislative junk heap of procedures.

I just want to lay that out because maybe the Senator is not familiar with the appropriations process as it gets into conference. It is a very intricate one. It is a very complex one.

I am just saying that the Senator can succeed on this vote and get the bill attached, but I say to the Senator, that bill will never get out of the conference. And if by some miracle of the heavens opening and the Lord stepping into the situation it did get out of conference, Chairman ROSTENKOWSKI, sitting over there, is not going to let the appropriators of either the House or the Senate make a determination on this substantive issue.

Mr. McCAIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 1 minute.

Mr. McCAIN. Mr. President, I am very intrigued and, of course, always educated by the very erudite statements of the distinguished Senator from Oregon and I appreciate very much his explaining the process to me. I am somewhat puzzled, however, perhaps because of my naivete, as to what chance my colleague thought there would be that Mr. ROSTENKOWSKI would approve this amendment the last time—when the Senator from Oregon voted for it on the dire emergency supplemental appropriations bill. I think the circumstances are basically the same, yet on the last appropriations bill the Senator from Oregon chose to vote for the amendment which did not have a snowball's chance in Gila Bend, AZ, of Mr. ROSTENKOWSKI allowing it to go to the floor, and this time he will choose to vote against it. It certainly is his prerogative to do so.

This is in appropriations bill. The last amendment was on an appropriations bill as well.

I reserve the remainder of my time.

Mr. EXON. Will someone yield for a question? Will someone yield me 30 seconds to ask a question?

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I will be glad to yield 30 seconds or how much time the Senator from Nebraska wishes to use.

Mr. EXON. I thank my friend. He knows I have been with him, working with him closely on this issue.

The question I have to ask is, If this amendment passes and if it is accepted by the House of Representatives and if it comes back to us and both Houses pass it and it goes to the President of the United States, the last I heard the President of the United States had some grave reservations about this bill and I am trying to decide what is my proper vote here. Because there are important water projects in this bill that have been hammered out.

Is there any chances that the President of the United States, who might not be happy with some of the provisions, would be also further unhappy if this amendment were attached to the bill? And would that likely risk the chances of a Presidential veto or heighten the chances of a Presidential veto?

Mr. McCAIN. Mr. President, I would respond to my friend from Nebraska, I do not know what the administration will do on this. I think, if past history is any indication, they would be very reluctant to veto, on one issue, a bill of this importance.

I reserve the remainder of my time.

Mr. BENTSEN. Mr. President, I yield 4 minutes to the distinguished ranking minority member of the committee, the distinguished Senator from Oregon, who I think can address the question of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I think I can answer the question of the Senator from Nebraska 90 percent. I think the President would veto it. Not because he does or does not like the health care provisions of it.

But what happened—and it is nobody's fault—is this is a disagreement between people of good faith. We passed this bill last year and in our wisdom, and it was wisdom, we thought we should build up a little bit of a reserve fund before we start paying out benefits. That makes good, practical, sound sense. So we passed the law. And before this ruckus ever came up, in the budget was presumed roughly $4 billion of revenues coming in next year, as sort of an advance payment on this fund. So that is not built into the budget.

If the money is not there, then we are probably over the limit that will require a sequester. That is how close we are to that $110 billion that the President will have to make a decision on in September.

He has not said this. I am 90 percent sure. I think he will veto it; not because of this issue but because of the $4 billion.

Here is what I think is going to happen, if the Senator from Arizona will give us a chance. I voted for this bill. I thought it was a good bill a year ago. I still think many portions of it are good and I would support many portions of it. I discover, as I talk to people about this bill, it is the tax they do not like, not the benefits.

Several of the groups representing the elderly have come in and said they want to keep all the benefits. They simply want the general taxpayer to pay for it, not the beneficiaries; or they want it to be a flat fee for everybody who is a beneficiary, not scaled up.

Those are arguments as to whether or not we should pay for it or who should pay for it. Most people, I find, want a lot of the benefits.

So here is what I predict will happen, and I think the Senator from New Mexico, Senator DOMENICI, was probably right. Senator BENTSEN and the Finance Committee and administration in this case will find some way, somehow, to work out something so

that the supplemental premium will be dramatically scaled back. I do not want to say it will be eliminated, but certainly dramatically scaled back.

We will still be $1.5 billion, $2 billion, $2.5 billion short of the $4 billion revenues and we will find some way to get those revenues. And we will come back with a package I will predict will pass 75 to 25. That is not a promise. That is just my guess based upon 20 years' experience.

But absent anything else, there is $4 billion of revenues that the administration was presuming, that we were presuming, that the House was presuming, all in good faith. There is no malice involved in this.

I think the President will have to veto it or face the sequester, and that is not something any of us want, including, I think, the Senator from Arizona.

So I would hope we would sustain the point of order, not vote for the waiver. And then I will predict we will reach, somehow, a solution to this problem.

I thank the Chair, and I thank the Finance Committee chairman for giving me the time.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. I yield a minute to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in response to the question of the distinguished Senator from Nebraska, I ask unanimous consent there be printed in the RECORD a letter from the President of the United States to the chairman of the House Ways and Means Committee opposing any effort to change this program and stating that we should not reopen this legislation. The letter is dated April 21, 1989. To my knowledge, the President has never repudiated this statement or reversed it.

So in response to the Senator's question, the President has expressed this in writing and I believe orally. And I understand his staff is now outside here, working in opposition to the position of the Senator from Arizona. The President's strong opposition to that has been noted.

I ask unanimous consent this be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, April 21, 1989.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As Vice President, I supported President Reagan's signing H.R. 2470, the Medicare Catastrophic Coverage Act of 1988. This social insurance legislation, sponsored by yourself, Chairman Bentsen, and other Representatives and Senators, provides essential protection to 33 million elderly and disabled Americans. Because of this legislation, Medicare beneficiaries need no longer fear financial devastation that might be caused by long hospitalization and catastrophic illness.

Senator Bentsen has recently raised a question about the financing of Medicare catastrophic benefits in a letter to Secretary Brady. I am informed that it is correct that the enacted legislation was reestimated by both the Congressional Budget Office and the Reagan administration last winter. These estimates project more revenue than the original estimates of last summer. The higher revenue estimates, in turn, would make more secure the financial reserves held in the special catastrophic health insurance trust funds. These reserves are available exclusively for use by Medicare; they cannot be diverted to any other program or purpose.

Based on the most recent projections, I have been advised that the financial reserves for Medicare catastrophic coverage are not excessive. Indeed, it is my understanding that the Medicare Actuary worries that they may be too thin. A major source of concern is the uncertainty inherent in making projections, which is exacerbated by the newness of the program and lack of experience with the financing mechanism.

As you will recall from the painstaking negotiations which led to the final legislation, the Reagan administration sought substantially higher trust fund contingency reserves than the Congress enacted. The Reagan administration also noted that, with particular reference to the Medicare Actuary's projections of the drug program, the catastrophic legislation was underfunded. The Congress recognized these concerns, and the statute calls for the Congressional Budget Office to reestimate the cost of the drug program this summer.

I have supported the implementation of the Medicare Catastrophic Coverage Act on schedule, as enacted. I continue to do so. It would be imprudent to tinker with Medicare catastrophic insurance literally in its first few months of life. We should not now reopen the legislation.

Sincerely,

GEORGE BUSH.

Mr. BENTSEN. Mr. President, I yield 5 minutes to the chairman of the Appropriations Committee.

Mr. BYRD. Mr. President, I am strongly opposed to the amendment by Mr. MCCAIN. This amendment is a budget buster. The OMB scores the amendment as a $4.1 billion revenue loss in fiscal year 1990.

There are all kinds of figures floating around here. I hear $4.8, I hear $5.3, and I hear $6.2, and so on and so on. But at least it is going to be $4.1 billion.

Under Gramm-Rudman-Hollings, the fiscal year 1990——

Mr. President, may we have order in the Senate? I would especially like the attention of my distinguished friend from Arizona.

The PRESIDING OFFICER. The Senator is right. Will the Senator suspend?

Mr. BYRD. I hope this time is not coming out of my time.

The PRESIDING OFFICER. We will have order in the Senate so that the Senator from West Virginia can be heard.

Mr. BYRD. I thank the Chair and I thank my good friend from Arizona.

Under Gramm-Rudman-Hollings, the fiscal year 1990 deficit cannot exceed $110 billion. If the deficit exceeds that figure, then there will have to be a sequester. That sequester will automatically take place on all appropriations for fiscal year 1990 and the sequester will be at least $10 billion in outlays.

This is so because the Budget Act requires the deficit to be no greater than $100 billion, if the $110 billion ceiling is exceeded.

We have been told by both OMB and CBO that the fiscal year 1990 deficit, even without this amendment, will be very close to the $110 billion ceiling. So, Senators should be aware that this amendment, which would add at least $4.1 billion to the fiscal year 1990 deficit, will surely cause a sequester. And, under the sequester provisions of Gramm-Rudman-Hollings, the budget authority provided in fiscal year 1990 appropriations bills for all departments of Government will have to be cut enough to save at least $10 billion in outlays, $5 billion from DOD and $5 billion from non-DOD appropriations.

In order to save $10 billion in outlays, according to OMB, the budget authority provided in fiscal year 1990 appropriations bills would have to be cut $21 billion.

This is due to the fact the budget authority does not all get spent in the year appropriated. The budget authority gets obligated, but the actual cash outlay from the Treasury is not always 100 percent in the year that the budget authority is appropriated.

Of the $21 billion cut in budget authority, $14.3 billion would come from DOD. I hope that the administration is out there working because I am sure that the President does not want that cut to come out of DOD. Assuming that personnel cuts, as allowed by GRH, are exempt, $6 billion in budget authority would be cut from domestic discretionary programs; $700 million would be cut from international affairs appropriations. These cuts would be made across the board on all appropriations accounts except for certain mandatory programs, which are exempt. The percentage cut for DOD would be 4.7 percent. For domestic discretionary and international programs, the cut would be 3.9 percent across the board.

Mr. President, the distinguished Senator has said that he wants to send a message to the seniors out there. Nobody has a monopoly on caring for the seniors. We all feel strongly about the seniors. When he sends that message, let him also send the message that if this amendment were to carry and were to become law, let him also

send a message to those seniors out there who are watching this debate and to veterans and to other Americans that the cuts would automatically take place on October 15, 1989, to what? The drug funding? The FBI? Elementary and secondary education? The Justice Department? Rural housing? REA? Child care? Customs agents? The Drug Enforcement Administration? VA construction? VA operating expenses? VA loans? All NASA programs? Also to the seniors especially, Social Security Administration salaries and expenses would be cut.

Senators may not know what the practicalities are that it involves here. It is one thing to send out a press release. We can all do that, and we all do that from time to time. But let them know that the salaries of personnel who administer the Medicare programs are going to be cut if there is a sequester. If there is a sequester, all personnel and administration costs in the Department of Health and Human Services will be cut; EPA wastewater construction grants, all programs of the Economic Development Administration, nuclear waste cleanup, all NIH appropriations, including AIDS and cancer research, all domestic agencies involved in fighting drugs and crime.

So now I say to my good friend, when he gets his press release out, include in that the cuts that are going to take place in these programs that are near and dear to the seniors and to the veterans and to the teachers and to the parents and to the people who are concerned about making war on drugs and crime in this country. Put all that in the release because this sequester is going to take place, have no doubt about it, if this amendment becomes law.

The PRESIDING OFFICER. The Senator has used the time allocated.

Mr. BYRD. Mr. President, I hope that some sense and sanity will return to this Senate when it comes to voting on this motion to waive. I hope the Senate will vote against the motion to waive.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDNG OFFICER. The Senator from Arizona has 8 minutes. The Senator from Texas has 12 minutes, 25 seconds.

Mr. BENTSEN. Mr. President, I yield 3 minutes to the distinguished minority leader.

The PRESIDING OFFICER. The minority leader is recognized for 3 minutes.

Mr. DOLE. Mr. President, I thank the Senator from Texas. While I do not enjoy backing into the buzz saw too often, that is what this has become. It is quite an exercise and painful at times. The last time we had this debate, it took all the effort I could muster to find eight Repulican votes. I told the White House following that, it seemed to me that they had to take a look at this program because sooner or later it was going to change, and probably sooner than later. I know the administration is concerned about the very thing the distinguished Senator from West Virginia just pointed out because this is front loaded. If you talk about $4.1 billion—I saw a figure today about $6.4 billion—they are concerned about sequester; they are concerned about a lot of things.

I indicated to the Senator from Arizona that I was with him on the issue, but we are not voting on the issue. We are voting on whether or not we are not voting on the issue. We are voting on whether or not we are going to sustain a point of order. Sooner or later, and I think the distinguished chairman of the Finance Committee will indicate it is probably going to be sooner than later—I would say again to this group, as I said to the Senate Finance Committee, much because of the urging of the Senator from Arizona, Senator McCAIN. He deserves credit for focusing on this program. But there are some of us who do not want to throw out the whole thing. We are trying to find some way—in fact, we worked on it yesterday for some time. We have not given up yet. Maybe next week there will be some plan that will be acceptable so you have offsets so you will not have the problem pointed out by the distinguished Senator from West Virginia.

As much as I share the desire of the distinguished Senator from Arizona to modify this program, it seems to me it cannot be done and should not be done on this appropriations bill unless there are some offsets, and there are no offsets. It is just going to add to the deficit.

I hope in the next few days or few weeks that we can sit down together and work with the distinguished Senator from Arizona in a reasonable way to put together something that we can have an up-or-down vote on the issue because on the issue I will vote with Senator McCAIN. I have advised the administration of this. I indicated to them they better get busy, they better take a look at it. Maybe we have to eliminate some benefits. Maybe the drug benefit, maybe respite care, maybe something else. There is no doubt in my mind if we are going to salvage this program for the benefit of the seniors, we are going to have to make some other serious modifications. I hope the point of order is sustained.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I yield 2 minutes to the chairman of the Budget Committee.

Mr. SASSER. I thank the distinguished chairman of the Finance Committee. Mr. President, I oppose the motion to waive the point of order against the McCain amendment under section 301(a) of the Congressional Budget Act. I wish to join the distinguished minority leader in stating that if this amendment should become law, then we would be in extreme fiscal difficulty. As the distinguished chairman of the Appropriations Committee has outlined in, I think, painstaking detail, quite accurately, this particular amendment would cost us over $4 billion revenues. Without any shadow of a doubt, it will push us into a sequester situation, and we will be faced with cutting at least $10 billion from the 1990 outlays under the strictures of the Gramm-Rudman-Hollings law.

I respect the distinguished minority leader, Senator DOLE, for rising today and speaking, I think, very responsibly. Quite frankly, it becomes wearisome at times in this body to be responsible. Sometimes you like to stand back and just let those who offer some of these amendments reap the reward that perhaps they deserve. Let them be the author of their whole misfortune in some of these. Frankly, I grow weary of coming to the floor and trying to rescue this President and this administration from those in his own party whose actions, I think, gravely embarrass the administration.

The PRESIDING OFFICER. The Senator has used the time allotted.

Mr. SASSER. If I might have 1 more minute.

Mr. BENTSEN, I yield an additional minute.

The PRESIDING OFFICER. The Senator yields an additional minute to the Senator from Tennessee.

Mr. SASSER. I thank the distinguished chairman of the Finance Committee.

Mr. President, I rise in opposition to the McCain amendment. The bipartison budget agreement of 1990's provison on reconciliation provided that we raise $5.3 billion in additional revenues. So far we have not been able to do that. Even if we get every penny of the savings that we are hoping to get from that reconciliation bill, we would not have enough to pay for this amendment. The adoption of this amendment would thus put us over the limits set by Gramm-Rudman-Hollings. It would cause us to have across-the-board cuts under Gramm-Rudman-Hollings.

Now the Senate has passed a sense of the Senate provision calling on the Finance Committee to address this issue. I know that the chairman of the Finance Committee is working on this issue. I support the efforts of the Finance Committee to address this issue in a fiscally sound manner.

Because our foremost concern must be to protect against the Gramm-Rudman-Hollings across the board cuts, however, I must support the point of order against the McCain amendment. The adoption and enactment into law of the McCain amendment would lose roughly $5 billion in revenues. Because we are currently below the revenue floor set forth in the budget resolution, this loss of revenue means that the amendment violates the provisions of section 311(a) of the Congressional Budget Act. Thus, I oppose the motion to waive the point of order against the McCain amendment under section 311(a) of the Congressional Budget Act.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. How much time remains?

The PRESIDING OFFICER. The Senator from Texas has 5 minutes, 30 seconds, and the Senator from Arizona has 8 minutes remaining.

Mr. McCAIN. I yield 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes.

Mr. SYMMS. Mr. President, I thank my friend from Arizona for yielding 3 minutes. I also thank him for focusing attention on this issue. As I sit here and listen to this debate, I find this is a classic example of the debate that I have been hearing in Washington, DC, for many years: An example of where we allow policy to be driven by the bean counters. I am on both the Budget Committee and the Finance Committee—committees that have given us almost $3 trillion of red ink.

I can tell you that outside the beltway, people could care less about the Budget Act. They know we have $2.8 trillion of red ink. Congress has handed them a bunch of benefits called the catastrophic insurance program that they did not ask for, they did not want, and they do not want to pay for it. It is easy for this Senator to point out the fact because I was 1 of only 11 Senators who on June 8, 1988, stood on the floor and voted against the bill.

I still think it's a bad bill. Congress should admit it made a mistake, repeal this act, go back to ground zero, and pass a catastrophic bill for the American people based on true catastrophic needs, without limiting it to senior citizens, Mr. President. This program should cover all Americans and we should all share the cost. Congress should not force citizens to go on Medicare. Let them keep their dignity. That is what most Americans thought they were going to get when we began discussing the issue years ago. It turned out to be something completely different from what President Reagan and others talked about in 1986 as catastrophic insurance.

Mr. President, as I have said, we probably cannot win this today. We probably cannot repeal it. But I, as a member of the Budget and Finance Committees, salute the Senator from Arizona. I think he is right on target. The American people deserve to have this Congress admit it made a mistake, as well as the administration. We need to come up with a reasonable proposal and fix what we have without taking 2 years to do it. Some of our seniors will be in the highest tax bracket in our society as a result of this legislation. We ought to fix it. I reserve the remainder of my time, and I thank the Senator.

The PRESIDING OFFICER. The Senator has used his time. Who yields time now?

Mr. McCAIN. Mr. President, I yield 1 minute to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate the difficulties that this particular amendment raises being attached to the energy and water appropriations and also the difficulty with the deficit and possible sequestration. But I also appreciate the frustration that many of us feel over the inability to deal with what I think most consider a flawed program, a program that needs reform and needs it quickly if we are going to salvage it at all.

I hope, regardless of the outcome of the vote about to take place, we will move forward as expeditiously as possible to revisit the entire Catastrophic Coverage Act and look at both the cost side and benefit side and revise it in such a way that we can continue to provide basic catastrophic coverage which most seniors want at a cost that they can afford.

The PRESIDING OFFICER. The Senator has used his 1 minute.

Mr. COATS. I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I yield 1 minute to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island has 1 minute.

Mr. CHAFEE. Mr. President, we all appreciate the tremendous effort of the Senator from Arizona. I know he has worked long and hard on it. I commend him for his efforts, although I do disagree with his conclusions. We face an amendment—forget the point of order—which fundamentally alters the benefits under the catastrophic law which we worked so hard to pass. Who is to say that the distinguished Senator from Arizona has picked the best benefits to keep or whether in fact his new proposal is the proper one to have.

I make this point. I review my mail, as I think do most of the other Senators. Nearly everybody who writes thinks they are going to be paying the maximum of the $800 supplemental premium. This is not the case. Only 6 percent of the taxpayers of the country, of the 31 million Medicare beneficiaries, will be paying the maximum premium.

The PRESIDING OFFICER. The Senator has used his 1 minute.

Mr. CHAFEE. I think we have to remember that only 44 percent of all beneficiaries will be paying any of the supplemental premium. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I ask the time remaining, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes, 51 seconds. The Senator from Texas has 4 minutes, 13 seconds. Who yields time?

Mr. KOHL. Mr. President, what a choice the Senator from Arizona gives us in this amendment. We all want to fix the catastrophic health care bill. We have all heard from the "beneficiaries" of that act—and they have told us in no uncertain terms that they do not like it. We asked the Finance Committee to study the issue and give us, after careful reflection and investigation, some recommendations for changes.

The Senator from Arizona, however, was not satisfied with that. He has a temporary solution—and it may be a good one—and he wants it adopted now, today, without full examination or hearings. Well, I do not think that is the best way to serve the needs of our senior citizens.

I also do not think we serve our seniors by adopting this amendment on this bill. As the chairman of the Appropriations Committee told us, if we adopt this amendment we will exceed the allowable budget deficit for this year and, under the law, we will face a sequester—an across-the-board cut in every program in the Federal Government. Programs which help seniors. Programs which help children. Programs which clean up the environment. Programs which provide for our national defense. That is not helping seniors. That is not helping America. And I cannot support it.

What I can support are changes in the Catastrophic Health Care Act. I have heard the message of the seniors in Wisconsin and I want to respond to their concerns. But the best way to do that is carefully, after we have considered all the implications. We have time to do that. We have a promise from the bipartisan leadership of the Senate that we will do it. And the seniors in Wisconsin have my promise that it will be done—before the end of

this year, before the impact of the surtax is felt, and without cutting programs that help our country.

I urge my colleagues to reject this effort to waive the Budget Act.

Mr. DODD. Mr. President, I rise to express my opposition to delaying the implementation of the Medicare Catastrophic Coverage Act.

While the Catastrophic Coverage Act may need modifications, the benefits simply are too important and needed to delay their implementation for a year.

If we delay implementation of the Catastrophic Coverage Act, such important benefits as the cap on out-of-pocket expenses, reimbursement for intravenous drugs used in the home, and coverage for mammograms would be delayed. Moreover, much needed Medicaid expansions for pregnant women and children also would be delayed.

Clearly, the Catastrophic Coverage Act can be improved. I supported and voted in favor of an amendment directing the Finance Committee to examine three related issues before September 1989, including whether to lower the supplemental surtax in light of revenue estimates indicating a substantial surplus in the fund earmarked to pay for the new benefits; whether catastrophic health insurance should be made voluntary; and what to do about the duplication of benefits which many retirees already have through employer-sponsored retiree coverage.

Mr. President, these are the issues which must be addressed immediately. Delaying implementation of the Catastrophic Coverage Act will delay important benefits and, in my judgment, does not help the majority of our Nation's seniors.

Mr. CONRAD. Mr. President, I oppose this motion to waive the Budget Act.

I appreciate the efforts of the Senator from Arizona. I have concerns about the catastrophic act; and I have been hearing from North Dakotans on this issue. The premiums must be reduced. We must act on the duplicate coverage that exists between catastrophic benefits and Medigap policies. We must address the serious concerns of Federal retirees.

Seniors must be heard. I am now polling the seniors in North Dakota to determine what sort of revisions they would like to see in the catastrophic act.

But, Mr. President, the sense of the Senate resolution that the Senate adopted just 2 months ago charged the Finance Committee with consideration of all these issues: High premiums, duplicate coverage, and delay of benefits. The Finance Committee has held hearings on revisions of the catastrophic act. Senator BENTSEN, chairman of the Finance Committee, has worked hard to consider all the options. We must let the Finance Committee do its work.

Adoption of this amendment would jeopardize projects that are critical to North Dakota. This bill contains $30 million for the Garrison Diversion Water Project and $5 million for the Sheyenne River Flood Control Project. My State must receive continued support for these projects. The Sheyenne River Project provides flood control for the Fargo area which will save my State millions of dollars in flood expenditures. The Garrison Diversion Project will provide critical municipal, rural, and industrial water for many areas of North Dakota.

Finally, passage of the McCAIN amendment would mean almost certain sequestration. The amendment would add at least $4.1 billion to the Federal deficit. We are all aware of the devastating implications of sequestration. I take exception to the implication that citizens outside the beltway do not care about the Budget Act. The Budget Act is the only way this body policies itself in the budget process. It is an attempt to force this Senate to be fiscally responsible. While those in our States may not understand the particular sections of the Budget Act, they do care about the budget deficit and its implications. They know that we must make the tough choices to put this Nation back on the road to economic recovery.

Sequestration would mean that agricultural research would be cut by $18 million; the Commodity Credit Corp. would be reduced by $205 million; the Low-Income Home Energy Assistance Program would be slashed by $51 million; highway programs would face $4 million in reductions; Veterans' Administration health care would be cut by $84 million.

The citizens of North Dakota would not tolerate such significant cuts in these programs. I must oppose this waiver of the Budget Act. I am glad that the Senator from Arizona has raised this issue, but I believe the Senate should wait for the Finance Committee to do its work. And we must not risk sequestration.

Mr. MITCHELL. Mr. President, rarely will Members of the Senate have a more clear opportunity to put their mouths where the money is. In this decade no subject has engendered more legislative activity, political anxiety, and overblown rhetoric than the need to address the budget deficit.

Well, my colleagues, now the rhetoric collides with reality. This is a popular issue, intense feelings among a portion of the electorate, attractive to vote for, but a $4.1 billion budget buster. Every Senator who votes in support of this motion to waive the Budget Act votes to increase the deficit by $4.1 billion and provides the rest of the Senate a context in which to evaluate that Senator's future rhetoric with respect to the need for budget discipline. That is the reality. Unusual circumstances, indeed.

Has there been a difficult budget issue which has not had unusual circumstances? We all know the catastrophic bill will have to be changed and fixed. We voted just 2 months ago to direct the committee to propose recommendations to us in that regard. Now we are told that we must delay it for a year in order to fix it but we cannot wait another month to let the Finance Committee do what the Senate told it to do.

The PRESIDING OFFICER. The majority leader's time has elapsed. Who yields time?

Mr. MITCHELL. The proper course is to reject this motion and fix this the right way as the Finance Committee has been directed to do.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Three minutes and fifty-one seconds.

Mr. McCAIN. I yield myself the remaining time, Mr. President.

I would like to thank my colleagues for their indulgence and their patience on this very difficult day when we should have pressed on to other issues. I guess I have to respond to some of the statements that were made.

First of all, the majority leader stated he had no idea the administration changed its position. I am sorry he did not read the Washington Post yesterday, because it stated the administration now supports the Rostenkowski plan that was put through the Ways and Means Committee 2 days ago. Mr. ROSTENKOWSKI's plan is certainly a dramatic and significant change from the previous program. So I would inform the distinguished majority leader, that, yes, the administration has changed its position. The April letter of 1989 is no longer relevant.

I appreciate the offer by the distinguished chairman of the Appropriations Committee to assist me in my press releases.

I would also hope he would help me in telling the seniors of America about the budget system as we are working it today in this Congess. And, that is, we are balancing the budget on the backs of seniors. Those seniors, I say to the distinguished chairman of the Appropriations Committee, paid their taxes not so that they disguise the size of the budget deficit but so they could get some benefits from the taxes they are paying.

To repeat, Mr. President, they want some changes made to this act and we are telling them that we cannot delay implementation of some of the benefits and the surtax in order to fix a bill

that severely misses the mark, because we do not want to give up their money that is being used to offset the size of the deficit. That's what the opponents of this amendment are arguing. Quite frankly, I think the seniors of this country will find that unconscionable.

We are telling our Nation's seniors that this surtax is not for benefits. They are for disguising the size of the deficit. They are to build up some kind of fund so we can tell them the deficit is not really as large as they thought it was, and that their tax dollars which are earmarked for their benefits are not for benefits. Instead, they are so we can avoid the Gramm-Rudman-Hollings sequestration.

I also remember there is a reconciliation process—that budget committees, appropriations committees, and various committees we are supposed to go through so we can meet Gramm-Rudman-Hollings targets. And, this process is not yet complete in the Senate.

We are going to tell the seniors by this vote today, we are more worried about a budget deficit which we have created through wasteful spending than doing something responsible and responsive on the catastrophic illness issue. Yet, when we took your tax dollars, we promised to pay for your benefits, take care of your catastrophic illness, take care of your skilled nursing home, preserve spousal impoverishment protection, yet we are not doing that with your tax dollars, my friends. We are keeping your tax dollars, and we are not going to spend them. We are using them to mask the real size of the deficit, thus allowing us to avoid taking real steps to reduce what is a very real deficit.

My friends, our Nation's seniors are not going to be fooled. Mark my words, they will not be fooled.

Finally, I would like to say to my colleagues that this issue is going to be with us. It is not going away. There has been a conspicuous absence of discussion of the merits of the catastrophic health care bill in the debate over this vote. We know it is wrong. We know it is flawed. We know it needs fixing. Yet, we are not willing to do it.

I hope the distinguished chairman of the Finance Committee will fix it. But, if it is anything like the fix that was just made by the Ways and Means Committee—a proposal to basically shift the burden from the rich to the poor—I can assure you that it will be totally unacceptable to the seniors of this country.

This issue is not going away. I intend to revive it, not because I enjoy this. Frankly, I do not enjoy this in the slightest. But I have an obligation to the seniors of this country to force this body to admit to, and address, the grave, serious, and terrible injustice that has been done to them. And it is the obligation of every Member of this body, as well, to sooner or later address this issue and correct it.

I yield the remainder of my time.

Mr. BENTSEN. Mr. President, the Senator from Arizona is firing for effect. There is not a chance that this amendment would be carried through on the House side. And when I hear him with his tones of sorrow for the poor, I cannot help but remember it was his amendment before where we wiped out Medicaid for the poor. That was in his amendment. Let us talk about what we have here.

We had a resolution passed on June 7 that charged the Finance Committee with the responsibility of making the changes that were necessary in the catastrophic illness bill. We have set out to accomplish that. We have had over 30 witnesses. We have met with all of the interest groups that one can meet with. We have done those things.

And we are prepared when we come back in September to present to this body what we think will be major changes in catastrophic illness. I would forecast we will have a dramatic reduction in that supplemental premium, and I have stated publicly that I am for that; that you will see a voluntary program; and I was pushing for that as we brought it through the Senate before. Let us see what he has done for those poor, and what he has done for the elderly if he pushes aside those benefits.

If he delays those benefits, we are talking about the drug benefit, we are talking about the limitation of out-of-pocket costs for physicians, we are talking about the General Accounting Office coming before us, and telling us that before you would trigger in the Medigap on many of these policies, you would have to have $50,000 worth of out-of-pocket expenses to physicians. They would not have that available to them. Now, can they go back to the private sector and get Medigap policies to accomplish that?

Remember that, as part of this legislation, the private sector was not to put in duplicate coverage. That means a lot of these State commissions have already moved to stop that.

Now, you will give chaos to the private industry, and you will give sorrow to the elderly citizens as they find these benefits they were counting on delayed to them. Then they turn around and find them no longer available in the private sector.

That is what would be the result of this in addition to what has happened to the appropriations bill at this time.

I strongly urge the Members of this body to reject the Senator's amendment, and to sustain the point of order.

The PRESIDING OFFICER. All time having been used, the question is on the motion——

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

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

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. MCCLURE] is necessarily absent.

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—40

Armstrong	Graham	Murkowski
Baucus	Gramm	Nickles
Biden	Grassley	Pressler
Bond	Hatch	Reid
Boschwitz	Heflin	Shelby
Bryan	Helms	Simon
Burns	Humphrey	Specter
Coats	Kasten	Symms
Danforth	Levin	Thurmond
DeConcini	Lott	Wallop
Dixon	Lugar	Warner
Exon	Mack	Wilson
Garn	McCain	
Gorton	McConnell	

NAYS—58

Adams	Ford	Mikulski
Bentsen	Fowler	Mitchell
Bingaman	Glenn	Moynihan
Boren	Gore	Nunn
Bradley	Harkin	Packwood
Breaux	Hatfield	Pell
Bumpers	Heinz	Pryor
Burdick	Hollings	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kennedy	Sanford
Cranston	Kerrey	Sarbanes
D'Amato	Kerry	Sasser
Daschle	Kohl	Simpson
Dodd	Lautenberg	Stevens
Dole	Leahy	Wirth
Domenici	Lieberman	
Durenberger	Metzenbaum	

NOT VOTING—2

Matsunaga	McClure

The PRESIDING OFFICER. On rollcall No. 147, the motion to waive the Budget Act, the yeas are 40, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The adoption and enactment into law of

the McCain amendment to H.R. 2696 would result in an increase by $4.9 billion of the amount by which revenues would be less than the appropriate level of total revenues set forth in the concurrent resolution on the budget for fiscal year 1990 causing the current level of revenues to fall below the revenue floor in the concurrent resolution by the amount of $10.7 billion in violation of section 311(a) of the Budget Act.

The point of order is sustained.

Ms. MIKULSKI. Mr. President, I would like to thank Senator JOHNSTON, chairman of the Subcommittee on Energy and Water Development Appropriations for proceeding with the energy and water appropriations bill so expeditiously and congratulate him for setting such a fine example of hard work and devotion to his job as chairman of the Energy and Water Development Subcommittee. It is a pleasure to serve with him on the committee. I want to thank him for his help in funding Maryland projects. I would also like to thank his fine subcommittee staff: Proctor Jones, David Gwaltney, and Gloria Butland. Furthermore, I recognize the ranking minority member Senator HATFIELD as well as his staff, Gary Barbour and Judee Klepec for their help throughout the process. Their indepth knowledge of the subject matter, candor with others, hard work, long hours and courtesy were instrumental in getting this important bill prepared in such a timely and efficient manner.

I would like to briefly mention a few of the important items contained in this bill.

Funds are included in the bill for the Corps of Engineers to conduct a vital hurricane protection project in Ocean City, MD. Over the winter Ocean City has been hit hard by winter storms. In order to protect this national treasure, funds were needed to protect the valuable property and businesses along the beach from storms. The State of Maryland, Worcester County, and Ocean City combined efforts to conduct phase I, which build up fragile portions of the beach. Let me tell you, I visited the beach this past winter, and was expecting to see terrible erosion problems. I was amazed at the work that phase I had done. I saw plenty of sand, and thought that I was in Cancun. With the funding of phase II, Ocean City will continue to be a thriving resort.

I also would like to mention that funds are also included for the Corps of Engineers to conduct several dredging projects in the Baltimore Harbor. The buildup of silt has decreased the depth of the harbor. By deepening the Port of Baltimore to 50 feet, the port improves its competitive position for bulk cargoes. By deepening the C&D Canal to 35 feet, optimum use is ensured by general cargo ships. Since the project started in 1987, the harbor has become more accessible and safer for the deep draft cargo carriers.

Another project which received important funds is the C&D Canal study. The C&D Canal and its connecting canals are vital to the well-being of the Baltimore port. The canal is important because it is a shortcut to the Baltimore ports which cuts the travel time from ports along the east coast to Europe and the Far East. The study will be conducted in three phases. The first phase would evaluate the present authorized projects and recommend improvements that would better accommodate current and future shipping traffic. It would also examine the environmental impacts of the improvements. By funding the C&D Canal study, we can study the problems as well as suggest improvements.

Another important item in the bill is language directing the Corps of Engineers to improve the Brewerton Channel connection with the Tolchester Channel. It is a crucial connecting channel link in the C&D Canal. A sharp turn at the Brewerton and Tolchester channels has made turns difficult for large ships. Earlier this year the *Louis Maersk* ran aground while making this turn. By providing the funding for dredging, modern, large container ships can make it through the channel more safely.

Once again Mr. President, I would like to acknowledge the job Senator JOHNSTON and his staff has done. They must handle many requests for funds and choose from the many deserving projects. Their efforts are truly commendable.

Mr. DIXON. Mr. President, Senator SIMON and I rise today to state our support of the O'Hare Reservoir and the McCook and Thornton Reservoirs of the Chicagoland Underflow Plan [CUP].

The O'Hare Reservoir is the first component of this flood protection plan. It is an important project to our State that needs construction funds. Once completed, it will be the first operating reservoir of CUP, and will serve as the prototype for the entire system.

Mr. SIMON. Mr. President, the second and third components of CUP are the McCook and Thornton Resevoirs. This project consists of two reservoirs, and is designed to reduce basement and street flooding due to sewer back-up. By providing the preconstruction, engineering and design funds for this project, the needs of those folks in the Chicago area can be met.

Thousands of residents in the Chicago area suffered the trauma of extensive flood damage in both the 1986 and 1987 Presidentially declared disasters. In fact, severe flooding is a constant threat to these residents. For this reason, Congress authorized the O'Hare Reservoir project in the 1986 Water Resources Development Act, and the McCook and Thornton Reservoirs project in the 1988 Water Resources Act.

Mr. DIXON. Let us take this opportunity to commend the metropolitan water reclamation district of greater Chicago for its work on this flood control program. Because of the efforts of the Chicago water district, preventive measures will become a reality before we face another flood emergency situation in northeastern Illinois.

Mr. SIMON. Mr. President, our concern is to provide adequate flood protection and prevention to the constituents in our State. The House included $1.5 million for the O'Hare Reservoir, and $750,000 for the McCook and Thornton Reservoirs. We ask our friend from Louisiana for his full consideration of these two important Illinois projects when the energy and water development appropriations bill goes to conference.

Mr. JOHNSTON. I recognize the concerns of my Illinois friends, and agree that the O'Hare Reservoir project and the McCook and Thornton Reservoirs project are important to an effective flood control plan in the Chicago area. I will, indeed, give these two programs every consideration when the energy and water development appropriations bill goes to conference.

Mr. KERREY. Mr. President, the energy and water development appropriations bill before us today includes a very important project for the State of Nebraska—the Davis Creek Dam.

The Davis Creek Dam is a major component of the North Loup project. That project will provide a dependable water supply with irrigation for up to 53,000 acres, recreational facilities, a fishery, and improvements in wildlife habitats. The Calamus Dam, the major storage feature of the project, is complete and the reservoir is now filled. Various other facilities, including the Mirdan Canal, the water supply canal for the Davis Creek Dam, are also complete. The contract on the Davis Creek Dam was awarded in September 1988. The project seemed well on its way.

However, the fiscal year 1990 budget contained a surprise. The request of $6.03 million for the North Loup project inclued no funding for the Davis Creek Dam. There was no provision at all for a dam that will be more than 50 percent complete by the end of the current fiscal year and that is an essential part of the North Loup project. Fortunately, we were able to make our case in Congress and the bill before us includes the funding required for the Davis Creek Dam to go forward.

I want to thank Senator DECONCINI, who chaired the subcommittee hearings in April when representatives

from Nebraska came to Washington to make their case, and I want to thank Senator JOHNSTON for adding the funds which are necessary for the dam. I understand that Davis Creek is a substantial add-on above the budget request, but I also know that it is a project which should be completed and which should have been budgeted in the first place. At this point, completing the Davis Creek Dam is the only action that makes sense. The action of the committee and the Senate is the right action on Davis Creek.

Mr. President, I also want to thank the distinguished chairman of the subcommittee for the inclusion of the amendment to designate dam site 18 of the Papillion Creek and tributaries lakes project as the Ed Zorinsky Lake and Recreation Area in honor of our late colleague. This amendment was one of those which the chairman of the subcommittee proposed be adopted en bloc.

It is right that we remember Ed Zorinsky in this fashion. Ed Zorinsky was a man of unique personal and political skills and insight. He devoted his life to public service, to the betterment of his community and his State. We in Nebraska are better citizens because Ed Zorinsky served us. The Papillion Creek and tributaries lakes project was a project that meant a great deal to Ed Zorinsky. It epitomizes the good that government can do, just as Ed Zorinsky epitomizes the best that we in public service should strive to become.

The amendment has been cleared with the distinguished chairman of the Committee on Environment and Public Works [Mr. BURDICK] and the ranking member [Mr. CHAFEE]. The Committee on Environment and Public Works has jurisdiction over the naming of public facilities, in this case a Corps of Engineers project, but that committee has cleared the measure as an addition to this bill, which appropriates funds for corps projects, so that we can expedite the designation. I thank them for their assistance.

Mr. President, the pending legislation includes $300,000, the full capability, for the corps to initiate planning for the Missouri River Mitigation project. This project, authorized in section 601 of Public Law 99-662, would restore and protect fish and wildlife habitats along the channelized portion of the Missouri River in Nebraska, Iowa, Kansas, and Missouri.

Through a system of dams and reservoirs, the Corps of Engineers has channelized and controlled flooding along much of the Missouri River. In doing so, however, various wetlands and oxbow lakes were threatened or destroyed. Some 475,000 acres of land and water habitats were lost; now some 33 of the 156 native basin fish are considered rare, threatened, or endangered.

This year, the four affected States requested $3 million in order to initiate the program. While I regret that we cannot move ahead as rapidly as the States were prepared to do, I am pleased that the funding in the bill will allow planning to go forward on a comprehensive program, as authorized, and I know the States will be working closely with the corps in this planning stage.

BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA

Mr. SASSER. Mr. President, earlier this year I requested funds be appropriated for the Corps of Engineers to acquire the remaining deferred lands within the Big South Fork National River and Recreation Area. As my colleagues will remember, the Big South Fork was established by the Congress in 1974, and the corps was instructed to purchase these lands. However, the purchase of much of the land was deferred, and certain critical areas have yet to be purchased. A dispute remains as to whether the cost sharing provisions of the 1986 Water Resource Development Act apply to these land purchases, and I have stated continually that they should not and have provided legal opinions which share this view.

Mr. President, I have requested that the corps continue these purchases because the land is not encumbered by the Corps of Engineers, as decided by the local courts in Tennessee, and it is understood that current landowners may develop property within the park boundaries which has not been purchased. This has let the scenic lands of this park under constant threat due to the inaction of the corps, and I now fear that the worst case scenario is upon us. I understand that development of nearly 1,000 acres of deferred lands is taking place as we speak. These lands are in the critical watershed area of the park which contributes to the South Fork of the Obed River, a national wild and scenic river. Development will include clearcutting of some 800 acres near the river, which I fear will suffer greatly from runoff and subsequent development of a residential area.

Mr. President, the debate over purchase of these lands has become petty. The corps, supported by the Office of Management and Budget, has determined that future funding of activity in the park is affected by the cost sharing provisions in the 1986 act. I do not wish to challenge the cost sharing provisions; I agree with their intent. However, I do challenge the premise that land purchases as authorized in 1974 are now affected by the 1986 act. The intention to purchase these lands was clear in 1974, and such national recreation areas are exempt from the cost sharing provisions, as well. I simply cannot agree with those who say that the purchase of any lands must be cost shared by the local or State government.

Mr. President, I hope at this time the chairman of the Senate Energy and Water Appropriations Subcommittee would agree to support my efforts, which I plan to undertake immediately with the appropriate oversight committee to seek a clarification of the intention of the 1986 act as it applies to these land purchases.

Mr. JOHNSTON. As chairman of the Energy and Water Appropriations Subcommittee, I support the need to seek a clarification of the intent of the cost sharing provisions of the 1986 Water Resources Development Act as it relates to this project. While the cost sharing provisions can result in helpful savings, I agree that we must ensure that they are applied properly.

Mr. WILSON. Mr. President, I would like to take this opportunity to congratulate the Energy and Water Appropriations Committee for their fine work in bringing this distinguished body an appropriations bill (H.R. 2696) that falls within the guidelines of the budget agreement. I know it is a difficult task to decide which projects will be funded and which cannot.

California's needs are many—as can be expected with a population of 29 million—and I am grateful that the committee has recognized these needs in this year's bill. I am especially appreciative of the fact that the committee provided funding for over 100 water projects in California, 15 more than the administration's recommendation. Doing this while still staying within the budget guidelines is indeed commendable.

California has many areas that are not adequately protected from the torrential rains that are produced by the more powerful winter storms generated in the Pacific Ocean. Projects that are included in this year's bill will provide for increased safety for people and property thoughout the State. Without the flood control and harbor protection projects contained in this bill, untold risks will be needlessly visited upon scores or communities and literally millions of people.

I am especially grateful that the committee was able to allocate funds to begin construction of the Santa Ana River mainstem project. This project is vital to the protection of the 2 million Californians who live in the flood plain of the Santa Ana River. It has been estimated that a standard project flood could cause approximately $12 billion in property damage and large loss of life within this flood plain.

I am also very pleased that the committee provided additional funding for the Sacramento River flood control project. Many of the levees that protect this city were severely tested

during a series of storms in February 1986. In fact, corps officials have said—with only slight exaggeration—that if it had rained only 1 more inch during those storms, the entire city of Sacramento could have been flooded. Money that is provided by this bill is sorely needed to improve the flood control levee system.

I want to take this opportunity to thank the distinguished chairman and the ranking member of the subcommittee for all of their work in financing these and many other worthwhile California projects. Their willingness to look carefully at all of the California needs that were brought to their attention is greatly appreciated.

In addition to the tireless work of the committee, I would like to commend the work of the subcommittee staff. They have always been very accessible and responsive to the many people from my State who have come to them for assistance and guidance. Even in the days leading up to the subcommittee markup, these staff members remained accessible and willing to listen to last minute concerns that were brought to their attention.

Again, I appreciate the willingness of the committee to work with my office on the myriad of California concerns that we have with a bill of this magnitude and congratulate the committee on a job well done.

Mr. SANFORD. Mr. President, I rise in strong support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990. Once again, the Appropriations Committee has done a superb job of providing for the Nation's needs in so many critical areas—including energy supply research and development; general science activities in the Department of Energy, including the superconducting super collider; economic development activities of the Appalachian Regional Commission and the Tennessee Valley Authority; and—perhaps most importantly to North Carolina—addressing many essential needs regarding development and maintenance of water resources.

The committee has had a difficult task in addressing all these areas while meeting severe fiscal restraints. They have done an excellent job of producing a fiscally responsible bill. I commend the committee, and particularly the distinguished chairman of the Energy and Water Subcommittee, Senator JOHNSTON, for all the hard work that went into crafting this outstanding legislation.

This bill includes a number of items which are of greater importance to North Carolina. First, I note that the managers have accepted an amendment I sponsored relating to Oregon Inlet, NC. I am delighted that this amendment has been included in the legislation, and would like to express my gratitude to the committee, and especially to the Senator from Louisiana for his assistance regarding this matter.

Oregon Inlet has posed severe problems for northeastern North Carolina for many years. It is the only navigable inlet within a span of 156 miles of the North Carolina coastline, and is the only means of transit to the ocean from all our inland ports for almost half of our State. Viable access through the inlet is critical to the important commercial and sport fishing industries in North Carolina. Unfortunately, severe shoaling problems have made access through the inlet impossible all too often in recent years, and have made navigation through those treacherous waters an extremely hazardous undertaking even when the inlet is open.

Severe erosion has also occurred adjacent to the inlet on Pea Island, particularly on the Pea Island National Wildlife Refuge. Literally hundreds of acres have been lost, and the erosion has accelerated in recent months to the point where the natural values of the refuge are at serious risk. In addition, erosion has rendered the Bonner Bridge—which provides the only access to Pea and Hatteras Islands and their $100 million a year tourism industry—vulnerable to destruction during the next major storm.

Congress authorized a stabilization project for the inlet back in 1970. Unfortunately, this project has not been able to go forward, primarily due to an impasse with the Department of the Interior regarding special use permits for construction. This is a matter which I will be bringing to the attention of my colleagues again in the months to come, because we urgently need to address this issue. In fact, the threat to the Bonner Bridge has become so severe that the State of North Carolina—entirely at its own expense—now plans to construct a modest terminal groin structure to protect access to these islands, and has obtained conditional permits for this structure.

The amendment which the managers have graciously accepted will provide $500,000 so that the Corps of Engineers can go forward with activities that will be essential to a long-term solution to the Oregon Inlet problem. The funds will be used to reassess the sand-bypassing system that is critical to the authorized project. This analysis will also provide benefits relative to sand-bypassing which may be necessary in conjunction with the State's terminal groin. The funds will also be used to update project information, including the impacts that the State's proposal will have on the design for any long-term solution. All these steps are necessary to move forward toward final resolution of this difficult problem. The good people of Dare County, NC, have been waiting for almost a generation for such resolution, and it is time that we address their needs.

This is a matter which is important to North Carolina and its elected officials, and is a matter on which I have worked closely with the Governor and my colleagues in the North Carolina delegation. I will continue to do so, and again thank the committee for their help with this essential step forward.

I also would like to thank the committee for the excellent work they have done with respect to funding for Corps of Engineers operations and maintenance activities. As my colleagues will recall, the administration proposed severe cutbacks in these activities, which are essential to the free movement of waterborne transportation in States such as North Carolina. The administration originally proposed to eliminate all funding for waterways carrying less than 25,000 tons per year of commercial traffic. This proposal would have been devastating to my State, as well as many others.

Twenty-three of my colleagues joined me in writing to the President and the distinguished leadership of the Appropriations Committee and the Energy and Water Subcommittee objecting to this proposal. In the first place, the proposal made no sense because it based funding on an arbitrary tonnage figure, and had nothing to do with the actual value of that commerce. In States like North Carolina, high-value seafood products were to be treated as no more important than a load of rock or garbage of equivalent weight. Sport fishing vessel traffic would have been completely ignored.

Second, the Congressional Research Service advised us that the proposal was inconsistent with current law. I am pleased that this ill-considered proposal was withdrawn, and commend my colleagues on the committee for restoring essential operations and maintenance funding.

In North Carolina, funding was restored for Bogue Inlet and Channel ($675,000); Carolina Beach Inlet ($264,000); Back Sound to Lookout Bight ($107,000); Lockwoods Folly ($535,000); Manteo (Shallowbag) Bay ($5,186,000); New River Inlet ($538,000); New Topsail Inlet ($681,000); Ocracoke Inlet ($278,000); and Silver Lake Harbor ($40,000). In addition, $31,000 was added to the administration's request for Jordan Lake; $62,000 for the Cape Fear River above Wilmington; and $125,000 for the W. Kerr Scott Reservoir.

The committee also restored $150,000 within Corps of Engineers general investigations for Eastern North Carolina above Cape Lookout. These funds will be used to allow for Corps of Engineers participation in the Albermarle-Pamlico Estuarine Study Program, which is providing the

scientific information needed to protect one of the Nation's largest and most sensitive estuarine systems.

Finally, I note that H.R. 2696 includes funding to start the superconducting super collider, which will help keep our Nation on the cutting edge of high-energy physics research and related technologies. I also am very pleased to note that increases are provided for research and development in renewable energy sources, which can help solve environmental problems and enhance our Nation's energy security.

Mr. President, this is an excellent bill for both my State of North Carolina and the Nation. Again, I commend the members of the committee, and its fine staff, for all their hard work in putting together this legislation.

ST. GEORGE'S BRIDGE

Mr. BIDEN. In the Senate Committee on Appropriations' report accompanying H.R. 2696, there is report language relating to the St. George's Bridge in Delaware. My distinguished colleague from Delaware, Senator ROTH and I would like to make sure the meaning and intention of that report language is clear to all, in particular, to the Army Corps of Engineers.

The St. George's Bridge is the most important bridge over the canal in Delaware, carrying 60 percent of the north-south traffic from the Delmarva Peninsula to major eastern cities. The corps is proposing to close two of the four lanes of the bridge for a 2-year period, an idea that could wreak havoc with the economy of the State.

In the opinion of Delaware State officials, it is a proposal that has been poorly thought through, and one that could easily be corrected. However, the corps has been unwilling to listen to State officials and has ignored the opinion of Federal Highway Administration experts who have looked at the bridge.

The language on page 40 of the report says that money for rehabilitation of the St. George's Bridge shall be available only after the corps, the State of Delaware, and the Federal Highway Administration have developed a plan to minimize disruption of traffic over the Chesapeake & Delaware Canal. That language is intended to bring the corps, State, and Federal Highway Administration officials together to discuss all of the problems that could result from an extended closure of the St. George's Bridge.

I would like to ask several questions of the chairman of the Energy and Water Appropriations Subcommittee, the distinguished Senator from Louisiana.

Mr. President, the report language states that the corps, the State of Delaware, and the Federal Highway Administration should develop a plan to minimize the disruption of traffic over the canal. How do you foresee this plan being developed?

Mr. JOHNSTON. The subcommittee agrees that there is every reason to expect that an agreement on the issue raised by the Senators from Delaware can be resolved quickly. The subcommittee expects that the corps will sit down with the other two parties to develop a plan to address their concerns.

Mr. BIDEN. The chairman agrees that the corps must do more than simply walk into the room with the other two parties, listen to their arguments, and then proceed as currently planned?

Mr. JOHNSTON. Absolutely. We expect the corps to act in a serious way and in good faith to address their concerns.

Mr. BIDEN. I know of no reason why an agreement on this issue related to the St. George's Bridge cannot be reached quickly as long as the corps enters the discussions wanting to reach a mutually agreeable conclusion.

On the second portion of the report language, I would note that Delaware officials proposed an impartial technical review team to study the issues raised by the corps, the State of Delaware and the Federal Highway Administration. Should a stalemate develop for whatever reason, the corps should reconsider their initial rejection of this proposal.

I thank the chairman for his time and explanation. I believe my colleague from Delaware, Senator ROTH, would also like to clarify a second part of the report language.

Mr. ROTH. Mr. President, I thank Senators BIDEN and JOHNSTON for that clarification. I concur with the previously stated positions, and understand the reluctance of the committee to get involved with this matter prior to the resolutions of the contractual obligations associated with this project. I do feel, however, that it is very important for a plan to be developed that meets all our needs and that we can get on with this project which is so important to the people and economy of my State. I appreciate your taking this time out of your busy schedule to clarify the position of the Subcommittee on Energy and Water Appropriations regarding the report language accompanying this appropriations bill.

We have also included language which says that up to $5 million can be used for review of the design and the site for the new bridge over the C&D Canal. It was our understanding that even though we have previously asked the Corps of Engineers to undertake this review process, and I hasten to add that they have been reluctant to do this, our language makes it absolutely clear that the subcommittee expects State, Federal Highway, and Corps of Engineers officials to get together and review the design of the new bridge and the site selected by the State of Delaware. We hope that this design meets all Corps of Engineers concerns and ensures that all concerns of the corps in regard to canal navigation are met prior to the initiation of site preparation and construction. In addition, it is not intended for this review to be a lengthy one.

How does the Senator from Oregon view the language that we have included?

Mr. HATFIELD. I commend Senator ROTH on his diligence and efforts to ensure that the Corps of Engineers does what it is asked to do. Yes, I am very familiar with this issue, and besides him, I have previously met with Delaware's Gov. Mike Castle and Delaware's Secretary of Transportation Mr. Kermit Justice on this matter. I agree with Senators JOHNSTON, BIDEN, and ROTH that I too expect the Corps of Engineers to sit down with the appropriate officials and design a plan of action to alleviate problems that could result from an extended closure of two lanes over the St. George's Bridge. It is important that any disruptions be minimal, and that rehabilitation is planned and scheduled in conjunction with the appropriate officials.

Mr. ROTH. I appreciate the attention of my colleagues to this matter.

Mr. BIDEN. There is another part to the story of the St. George's Bridge that was not addressed by the energy and water bill, namely, the Federal Government's obligation to construct a new bridge over the canal.

The Chesapeake & Delaware Canal cuts Delaware completely in two. In fact, it cuts most of the Delmarva Pensinsula from major Eastern cities like Philadelphia and New York. In exchange for allowing this to happen, Delaware officials required the original canal operator to "make and keep good and sufficient" crossings over the canal.

The trade was simple. If Delaware was being asked to provide a route for a canal that only helped ports outside the State—Baltimore and Philadelphia—with no economic benefit to the State, Delaware wanted to be sure it would not see its own transportation routes hindered by the canal.

When the Federal Government took over the canal, it also took over the contractual obligation of the canal operator to provide those crossings. The Senate Judiciary Committee staff has prepared a legal memorandum describing the legal obligation of the Federal Government on this issue.

That responsibility has come into the spotlight because of the need for a replacement bridge for the Route 13 crossing over the canal. The existing bridge is 50 years old, obsolete, and unable to handle existing and projected traffic demands. As part of a $400 million project to bring traffic condi-

tions along Route 13 up-to-date, a new bridge is needed.

The Army Corps of Engineers recently responded to our memorandum, attempting to deny its responsibility. I have read their response and remain confident that the State of Delaware's case will prevail. It is also an argument that is not new on the part of the corps. From time to time in the past the corps has needed a little encouragement to recognize this unique arrangement, but the Federal Government has never failed to meet its obligations. Two generations of changed and improved bridges over the canal since World War I, built by the corps, are testimony to the Federal Government's obligation.

A response to the corps assertions will be prepared shortly. I am confident this issue will be worked out in the next few months. However, I can understand the Appropriation Committee's concern about getting out in front on providing funds at this time. By the time the appropriations process for fiscal year 1991 begins, I hope these remaining questions will be answered and all parties, including the authorizing committee, will accept the contractual obligation of the Federal Government to the State of Delaware to construct the bridge.

AMENDMENT NO. 439

Mr. KOHL. Mr. President, I was not on the floor when our colleague from Texas, Senator GRAMM, rose to praise the superconducting super collider. I am sorry that I was not here because I would have liked to engage in a discussion of that project with him. Unlike the Senator from Texas, I do not see this program as an act of long-term wisdom.

We are about to approve $225 million for the SSC, $135 million of which is for construction.

I have to say that I am very uncomfortable with spending scarce taxpayer dollars to begin the construction of this massive project, expected to cost between $4 and $6 billion for construction alone—not to mention the half-billion or so a year we will spend to operate the SSC once it is built.

Mr. President, I just do not think that this is the direction in which we ought to be moving, for a number of reasons.

First of all, I am very concerned that this project will eventually crowd out funding for other important science programs.

Currently, this Nation only spends about $1 billion a year on general science programs. That is not enough, but given the current budgetary pressures, it seems to be the best we can do.

Many in the scientific community are concerned that they will lose even this amount of money if we proceed with plans to build the SSC.

That is because construction plans for the SSC will require an annual infusion of $900 million a year in Federal dollars over the next several years.

Scientists fear—with some justification—that there will not be any money left over for the many types of ongoing research which have known practical and commercial applications.

They fear that they will lose funding for important research on alternative energy supplies, semiconductors, and biomedical science—just to name a few.

Research on magnetic fusion, for example, has come a long way, and may soon lead to the development of a cheap, clean, and inexhaustible source of energy for the entire world.

It is hard for me to see how we will be able to continue our commitment to these basic research programs when future funding needs for the SSC will equal the amount we are currently spending on all of our current science programs combined.

Moreover, dollar for dollar, funding for basic and applied sciences represent a better investment in the training of our next generation of scientists. On the other hand, much of the money spent on the SSC will go toward construction costs—bricks and mortar.

But beyond my concerns about basic science, I am concerned about the bigger budgetary picture as well. Our Federal deficit currently stands at around $150 billion, and yet we keep spending the taxpayers' dollars like there's no end in sight.

Some expenditures are absolutely necessary, while others are more discretionary. I would put the SSC in the latter category.

Don't get me wrong—in the best of all worlds, I would love to know more about the basic structure of matter. It would be great to understand the fundamental forces of the universe.

However, I am not convinced that we should start construction of this multi-billion-dollar project until we figure out how to pay for it.

We have been told we will have to spend about $100 billion to clean up the nuclear weapons facilities, and we will have to spend between $200 and $300 billion to bail out failed savings and loans.

At the same time, we do not seem to be able to find enough money for badly needed AIDS research, or to provide health care coverage to the millions of people who do not receive proper medical treatment, or to educate our young people, or to tackle the Nation's drug problem.

There are so many things that we have to do, that there is simply not room for all the things we would like to do. At some point, we have to start making choices—we cannot have it all.

What if we get halfway through construction, and our growing deficit requires us to eliminate all nonessential funding? Will we find that we sunk billions of dollars into a hole in the ground which will never amount to anything?

It certainly would not be the first time that large amounts of taxpayers' dollars have been literally thrown out the window, but I sure hate to take that kind of risk on a $4 to $6 billion project.

Until we are sure that we can afford the SSC, and know where the money will come from, the SSC construction dollars contained in this bill are not a wise investment.

At this time, I am not prepared to offer an amendment to eliminate the funds, but I think that Congress ought to give this matter further consideration before we start sinking $900 million a year of taxpayers' dollars into the SSC.

I thank the chairman for giving me the opportunity to express my serious concerns, and I yield the floor.

Mr. BRADLEY. Mr. President, by now we are all well aware of the threat of overreliance on fossil fuels. The energy crises of the 1970's made that abundantly clear. We have now become very aware of the additional and perhaps much more dangerous threat of global warming. For many years, the world scientific community has been engaged in a monumental effort to develop a new, clean, and economical source of energy which will someday replace fossil fuels as our primary energy source. One focus of this effort has been the development of nuclear fusion. Ronald R. Parker, the director of MIT's Plasma Fusion Center, has written that "studies indicate that it is possible to design fusion reactors which are passively safe and which produce negligible quantities of long-lived radioactive isotopes. Fusion therefore appears to be ideally suited to our future energy needs."

American scientists, working together with their counterparts overseas, have made enormous strides toward realizing the promise of fusion energy. In my own State of New Jersey, at the Princeton Plasma Physics Laboratory, physicists and engineers are now prepared to build the most advanced fusion device yet designed, the Compact Ignition Tokamak [CIT].

Today I urge that we approve $330 million for magnetic fusion research, $24 million above the House level, in order that this Nation may continue to pursue the quest for the nearly inexhaustable source of energy which fusion represents. Today, the United States leads the world in this historic endeavor. Since 1974, we have invested more than $5.3 billion in the magnetic fusion program. But this lead will rapidly erode if we falter in our resolve.

On July 6, Mikhail Gorbachev told the European Parliament that the

Soviet Union hoped to join with European countries in constructing a joint fusion research facility. We, too, are committed to international collaboration. However, we cannot afford to squander our current advantage in yet another high-technology field. We must not cede the initiative in fusion research to the Soviet Union and other countries nor should we become vacillating or half-hearted participants in this bold initiative. Only by energetically forging ahead with magnetic fusion research can we reap the benefits of our previous investment in this technology, thereby ensuring that America's future energy needs will be satisfied.

Mr. President, the Department of Energy has announced a new review of the current state of fusion research. This seems very appropriate, especially given the Appropriation Committee's concerns. I would like to stress, however, the necessity that this review be pursued by an independent commission—one which is able to dispassionately analyze the facts. I would further like to add that my own opinion of the fusion program is at odds with the committee's comments. While the Department of Energy's testimony at a recent hearing on fusion before the Senate Energy Committee highlighted apparent controversy and disarray within program, other testimony consistently underscored the progress being made and a nearly unanimous agreement on the appropriate pace and goals for the program.

During the review period it is critical to maintain ongoing activities so that teams of highly trained scientists, engineers, and technicians are not broken up and lost forever. I am confident that such a review will affirm the wisdom of pressing ahead with the magnetic fusion program, as did the Department's own Magnetic Fusion Advisory Commission recently. The unprecedented accomplishments of the program and the relative maturity of the technology which it employs argue against any pause in the prosecution of the magnetic fusion research effort.

Mr. LAUTENBERG. Mr. President, I want to congratulate Senator JOHNSTON on putting together this bill under very difficult circumstances. We are all learning how to stretch scarce dollars to cover all the important tasks of government. I was pleased that the funding for magnetic fusion in this apporpriations bill is $330 million, $24 million above the House level. This level of support recognizes the value of fusion research.

The committee report notes that the Department of Energy is undertaking a review of fusion research. I want to underline the importance of assuring that this review be independent. Along with several of our colleagues on the Appropriations Committee, I have written to the Secretary of Energy urging comprehensive, thorough, and independent technical review of both the magnetic and inertial fusion programs.

I hope this review will receive careful attention when the Department submits it to the Energy and Water Appropriations Subcommittee, as directed by the report. The future course of fusion research is essential to our national energy policy and deserves close scrutiny.

Mr. President, I also believe we should move forward with the construction of the Compact Ignition Tokamak [CIT] at the Princeton Plasma Physics Laboratory, which will mark the next step toward the development of a commercial fusion reactor. The CIT is designed to achieve thermonuclear ignition, which is the point at which a fusion reaction becomes self-sustaining. I would like to point out that the chairman of the Department of Energy's own Magnetic Fusion Advisory Committee [MFAC], Mr. Ribe, has written to Secretary Watkins that—

By all accounts, including that of the MFAC panel of 22, the CIT facility as represented by its full capability has a high probability of achieving its ignition goal.

I would like to submit Mr. Ribe's letter for the RECORD, and ask unanimous consent that it be printed therein.

Failure to follow through on the CIT project could jeopardize full U.S. participation in the proposed international thermonuclear experimental reactor, an important international effort which would distribute the cost of the next stage of fusion research among several nations.

I appreciate the time Senator JOHNSTON has given to this issue and look forward to working with him on it in the future.

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

UNIVERSITY OF WASHINGTON,
Seattle, WA, June 21, 1989.

Hon. JAMES D. WATKINS,
Secretary, U.S. Department of Energy, Washington, DC.

DEAR MR. SECRETARY: Since the June 6-7 meeting of the Magnetic Fusion Advisory Committee (MFAC), the Department has made public the outline of a proposed initiative to establish a 10-year competition between Magnetic Fusion Energy (MFE) and Inertial Confinement Fusion (ICF), based on the Compact Ignition Tokamak (CIT) and the Laboratory Microfusion Facility (LMF) devices. Believing as it does in the important of fusion in the nation's energy future, and in particular in the urgency of the ignition step, the undersigned unanimous membership of MFAC feels it essential that the potential and the needs of the MFE and ICF programs be reviewed by a high-level technical committee prior to any changes in MFE budget requests.

The fate of the CIT project is part of our concerns. In order to achieve ignition at minimum cost, the project was laid out with two phases, only the second of which was regarded as having high probability for ignition. In a letter to Representative Lloyd dated July 11, 1988, the Acting ER Director, Dr. Decker, described the two-phase strategy and the DOE approval of it. We take exception to the CIT being equated to only its first phase; doing so conceals the sound logic and value of the CIT project. By all accounts, including that of MFAC Panel 22, the CIT facility as represented by its full capability has a high probability of achieving its ignition goal. Given the importance of ignition in fusion's development, it would damage the MFE program to have a CIT delayed or cancelled out of concern for the ignition risk of Phase I.

If assurance of early ignition is the prime consideration, a better approach in pursuit of a timely ignition experiment would be to develop a plan for proceeding direclty to the full-power configuration of Phase II. The plan should be developed with the participation of the fusion community, the Congress, and potential foreign participants. In his oral testimony to the June 14 Senate Subcommittee on Energy Research and Development, Dr. Hunter referred to the Department's policy to "push both (MFE and ICF) to achievement of ignition * * * in new experimental devices within about 10 years". In our view, for the CIT this can be done most effectively by continuing its preparation in parallel with the transport initiative, as expressed in our finding letter of June 7 to Dr. Hunter regarding Panel 22.

Regarding the proposed competition itself, MFAC has on many occasions expressed its belief that an assessment of fusion's potential as an energy source must be multi-faceted, including not only questions of physics feasbility, but also those of nuclear technology, materials, economics, safety, and environmental impact. Scientific progress is needed on a number of high-leverage issues in order to reduce the technological complexity of fusion systems and to speed the development of an attractive reactor and product. Examples of key physics issues, in addition to transport, are efficient current drive, increased beta (energy density), and auxiliary heating methods. These issues are now being addressed not only in the mainline tokarnak but also through work on selected alternate magnetic fusion concepts, allowing both a complementary view of the underlying physics and an examination of other potential avenues to a reactor. Within available resources, the present MFE program addresses the physics and technical issues in a balanced way, in preparation for an assessment of magnetic fusion in the first decade of the next century. The effect of the proposed MFE budget cut would be to greatly weaken the ability to make an informed and accurate assessment.

The MFE/ICF competition and program restructuring proposed by the Department would limit the comparison to the performance of two devices, the CIT and the LMF, each of which is designed to address a narrow physics issue, ignition in the CIT and significant energy multiplication in the LMF. Although the CIT would be closer to its reactor goal than the LMF to its reactor goal, neither device would be prototypical of a reactor to follow, and neither device would be intended to, or be capable of, addressing the many questions that would need to be answered in assessing its line of approach to fusion energy. The competition, as posed, would not serve its intended purpose and is unlikely to assure a well defined path to commercial fusion energy.

In the attempt to create a competitive situation, the effect of the initiative would be to slow one program and accelerate the other. The $50M in funds proposed to be removed from MFE would considerably disrupt the program. They are, in part, just those necessary to resolve the transport issue and prepare for the ignition experiment; and they would, in addition, halt much of the needed multifaceted research discussed above. Out of concern for the long-term health of fusion development, we strongly urge that recommendations for major changes in the MFE program plan and for reprogramming of funds, including the magnitudes of funds to be involved, be delayed until their technical merits and impact on the affected programs have been thoroughly reviewed.

Sincerely yours,

Fred L. Ribe, Chair; Charles C. Baker; David E. Baldwin, V. Chair; Everett E. Bloom; Wilhelm B. Gauster; Melvin Gotlieb; Robert Kribel; James E. Leiss; Dale M. Meade; D. Bruce Montgomery; Tihiro Ohkawa; Richard E. Siemon; Peter Staudhammer; Harold Weitzner.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read a third time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we do not have a request for the yeas and nays on final passage. Therefore, it was not my intention to ask for the yeas and nays on final passage unless some Senator wished to do so.

If we have a voice vote, it would then be the intention of the Senator from Georgia [Mr. NUNN] to move to the defense bill where we would consider under a unanimous-consent request an amendment on SDI to transfer $558 million from SDI to several accounts, including V-22, Maverick missile, et cetera, and to have that time evenly divided, the time between now and 8 p.m., at which time the vote would occur.

So I ask the distinguished Senator from Virginia, who is to clear that request, to see if that can be done.

Mr. President, first, I have been informed that there is a request for a rollcall vote on final passage.

So I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, time is very short and in order for us to get the debate finished on SDI in order to vote by 8 p.m., the magic of 8 p.m. being that some Senators have to catch airplanes, we would need a 10-minute vote. So I ask unanimous consent that the vote on final passage be a 10-minute rollcall vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. JOHNSTON. Will the Senator withhold?

Mr. WARNER. Mr. President, I would like to pose a question and then let the leadership deal with it.

Could we address the unanimous consent request on the DOD bill before the rollcall starts?

Mr. METZENBAUM. There will be no rollcall vote.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that we vitiate the requirement for the rollcall vote.

The PRESIDING OFFICER. Is there objection to the vitiation of the rollcall vote?

Without objection, it is so ordered.

The rollcall vote having been vitiated, and the bill having been read the third time, the question is, Shall the bill pass?

So, the bill (H.R. 2696) as amended, was passed.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

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

The motion was agreed to, and the Presiding Officer appointed Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. SASSER, Mr. DECONCINI, Mr. REID, Mr. HATFIELD, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. DOMENICI, and Mr. SPECTER conferees on the part of the Senate.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana will suspend. The Senate is not in order. The Senate will be in order. Senators who have business other than that before the Senate, please adjourn to the cloakroom.

The PRESIDING OFFICER. The Senator from Arkansas.

CORRECTING THE ENGROSSMENT OF H.R. 2788

Mr. BUMPERS. Mr. President, the Fowler amendment took money from the road fund and put it into a series of things. One was the State energy programs and the figure was changed in one place in the paragraph, but inadvertently was not changed in the other.

I offer a technical correction to that and I ask unanimous consent that that amendment be agreed to. This change does not increase the overall dollars for energy conservation nor does it affect the overall bill total in any way. This amendment has been cleared by the minority.

The PRESIDING OFFICER. The Senator from Arkansas will be advised that the bill before the Senate now is the defense authorization bill. The amendment that the Senator is offering is to the Interior appropriations legislation, which is passed.

Mr. BUMPERS. Mr. President, I am not offering this amendment on the bill. I ask the engrossment be corrected on the bill we passed yesterday.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1352, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1352) to authorize appropriations for the fiscal year 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such departments for fiscal years 1990 and 1991, and for other purposes.

The Senate resumed consideration of the bill.

UNANIMOUS-CONSENT REQUEST

Mr. JOHNSTON. Mr. President, I ask unanimous consent that it be in order for me to submit an amendment relative to SDI and the transfer of $558 million from that program to other programs, including the V-22 Osprey and Maverick missiles, et cetera; that the time on that amendment be equally divided between myself and the Senator from Virginia, Mr. WARNER; that the vote thereon occur at 8:10 p.m.; that no second-degree amendments be in order except those which are agreed to by the mover, muself, the Senator from Virginia, and the Senator from Georgia, Senator NUNN.

Mr. PRYOR. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I think that I understand the Senator from Louisiana to say that there would be an increase of the funding of the Maverick missile; is that correct?

Mr. JOHNSTON. That is correct. The amendment will provide for a transfer of $558 million from SDI,

which will be put into the V-22 Osprey, $157 million; KC-135R reengining, $140 million; Maverick missiles, $145 million; DARPA, $75 million, with a breakdown under DARPA; Army ammunition, $18 million; and R&D on the RF-16, $23 million; for a total of $558 million.

Mr. PRYOR. Mr. President, parliamentary inquiry.

Should the request of the Senator from Louisiana be granted under the unanimous consent—pardon me, could there please be order in the Senate, Mr. President?

The PRESIDING OFFICER. The Senate is not in order. Those Senators who are standing, please adjourn to the Cloakroom or take a seat.

Mr. PRYOR. Should the amendment go forward under the unanimous-consent request, would the amendment then be amendable?

The PRESIDING OFFICER. The unanimous-consent request of the Senator from Louisiana would provide that it would be subject to a second-degree amendment if such amendment were concurred to by the Senator from Louisiana, the Senator from Virginia, and the Senator from Georgia. The Chair is not clear as to whether that requires group consensus or whether it requires the consensus of one of those three.

Mr. WARNER. Mr. President, it would require the consensus of all three named Senators.

Mr. JOHNSTON. Mr. President, I say to my friend from Arkansas that the bill could be separately amended after this consideration, but in order to allow a vote by 8:10, we wanted to narrow the issue and not have a lot of second-degree amendments.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield the floor?

Mr. PRYOR. Mr. President, I am about to propound that the Senator from Louisiana reserve for the Senator from Arkansas the opportunity to offer a second-degree amendment to the amendment of the Senator from Louisiana on the SDI.

I will not argue the Maverick missile, but that turkey should have been killed a decade ago and here we are about to pump some more money into it, trying to vote in the next hour and a half. I just think the process is wrong, Mr. President.

Mr. NUNN. Will the Senator yield?

Mr. PRYOR. I am glad to yield to the Senator from Georgia.

Mr. NUNN. Based on my preliminary vote count, the Senator from Arkansas can cure that question and make it moot by simply voting against the Johnston amendment.

Mr. PRYOR. The Senator from Arkansas may want to also be a part of the amendment of the Senator from Louisiana by striking some SDI money.

But what we are doing, we are taking this money which we want to cut and we are putting it into some, I think, very questionable programs in the Department of Defense.

I did not know, and I say this in all sincerity and respect, I did not know that his amendment was going to place the money in the Maverick missile program. So we are in a dilemma.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas interject an objection to the unanimous-consent request?

Mr. WARNER. Mr. President, before the Senator does, would he yield for a further observation?

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

Mr. PRYOR. I am glad to yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I say to my good friend from Arkansas that the chairman of the Armed Services Committee, myself, the Senator from Louisiana, the distinguished majority leader, and Republican leader have been working very hard to try to get to this point. It has taken a lot of reconciliation of a lot of views and personal plans and airplanes, and I could go on.

I hope that the Senator would weigh heavily his consideration of the interposing of an objection.

Mr. PRYOR. Mr. President, the Senator from Arkansas has never object to a unanimous-consent agreement. I must say, under these circumstances, for the moment, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON. Will the Senator withhold for just a moment? Let me observe that if this amendment were carried, the Senator could come back with an amendment which would change that amount from Maverick missiles to another account. In other words, this would not be final on the issue of Maverick missiles. I urge him to consider letting us go forward on this and come in with a separate amendment on the Maverick missile.

Mr. METZENBAUM. Will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. The Senator from Louisiana has propounded a unanimous-consent request. The Senator from Arkansas has indicated that he objects. At this point, does the Senator from Louisiana wish to offer an alternative suggestion?

Mr. JOHNSTON. Not at this point, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

The majority leader.

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

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

AMENDMENT NO. 500

(Purpose: To reduce funds for the SDI program and increase funds for certain other programs)

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 500.

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

Mr. NUNN. Mr. President, reserving the right to object, will the Senator identify the amendment?

Mr. JOHNSTON. Yes. Mr. President, this is the amendment just described which takes $558 million.

Mr. NUNN. This is the SDI amendment, the original amendment?

Mr. JOHNSTON. That is correct.

Mr. NUNN. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, may I inquire, is this the same amendment the Senator sent to the desk previously with the same allocation as far as Maverick and other systems?

Mr. JOHNSTON. The Senator is correct.

The PRESIDING OFFICER. The Senator from Louisiana has asked unanimous consent to dispense with the reading of the amendment. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

At the end of title IX of the bill, add the following new section:

SEC. . REDUCTION OF AUTHORIZATION FOR FUNDS FOR SDI PROGRAM AND INCREASE IN FUNDS FOR CERTAIN OTHER PROGRAMS

(a) LIMITATION ON APPROPRIATIONS FOR SDI.—Notwithstanding the amount authorized to be appropriated pursuant to section 201 for Defense Agencies for fiscal year 1990 for the Strategic Defense Initiative (SDI) program, not more than $3,743,476,800 may be appropriated to such agencies for fiscal year 1990 for such program.

(b)(1) INCREASE IN AUTHORIZATIONS FOR OTHER PROGRAMS.—Notwithstanding section 123 or any other provision of this Act—

(A) $157,000,000 is authorized to be appropriated for the Navy for fiscal year 1990 for long-lead procurement for the V-22 aircraft;

(B) $140,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for re-engining KC-135 aircraft;

(C) $145,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for procurement of AGM-65D Maverick missiles;

(D) $18,100,000 is authorized to be appropriated for fiscal year 1990 for the Army for ammunition; and

(E) $23,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for Research, Development, Test and Evaluation of the RF-16 reconnaissance program.

(F) $75,000,000 is authorized to be appropriated for fiscal year 1990 for the Defense Advanced Research Projects Agency as follows:

(i) $5 million for high temperature superconductivity.

(ii) $20 million for research and development of high resolution display technologies.

(iii) $15 million for gallium arsenide manufacturing technology and inserting.

(iv) $30 million for x-ray lithography program.

(v) $5 million for the artificial neural network technology program.

(2) The amount authorized to be appropriated by paragraph (1) for any program is in addition to any amount otherwise authorized to be appropriated by this Act for such program.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, what this amendment does is take last year's level on SDI, which was $3.627 billion, and add to that the rate of inflation which is 3.2 percent, which gives us a total amount, for SDI, of $3.743 billion. That is last year's level plus inflation.

What this leaves us is $558 million, which is transferred as follows: $157 million to the V-22 Osprey, which is the amount identified as being necessary to keep that program going; $140 million to the KC-135R re-engining; $145 million for Maverick missiles; $75 million for DARPA, which is the defense research program. That $75 million is broken as follows: $5 million for superconductivity R&D; $20 million for high-density TV, which has a great military application. It also, of course, has a tremendous civilian application. But $20 million would be for HDTV. Gallium arsenide manufacturing would be $15 million. This, of course, is important in semiconductors. They will be radiation-proof and will be capable of carrying much more information than the silicon chips. X-ray lithography would have $30 million. X-ray lithography, my colleagues will recall, also pertains to the manufacture of the very small computer chips which have a tremendous amount of information. Supercomputers would receive $5 million.

Army ammunition, Mr. President, not part of DARPA, would receive $18 million and R&D on the FR-16 would receive $23 million, for a total of $558 million.

Mr. President, the fundamental question, the threshold question, presented by this amendment is: Did SDI deserve an increase of $673 million over last year? Because that is what this bill provides for, an increase of $673 million in an atmosphere and a time of budget cutbacks.

I submit, Mr. President, there are so many unknowns about SDI that now is not the time for that increase. What are the unknowns?

Well, first, the basic, fundamental question: Is SDI helpful or harmful from a strategic standpoint if it works and if it is affordable? The answer to that is unknown.

The office of SDIO says we have not dealt with that question. Indeed, it is a fundamental question. It could be harmful because it could enhance our first strike capability which does not make the world safer. It makes the Soviets more trigger-happy. In any event, that is an unanswered question.

A second question, unanswered, is about cost. We know during phase I we would spend at least $100 billion and eliminate no more than 16 percent of Soviet warheads. That is, if it measured up to the requirements for phase I of the Joint Chiefs of Staff.

We do not know about its effectiveness; that is, we do not know whether it would work or not. Obviously, if it has not been tested, we cannot know that. We do not know the effectiveness of Soviet countermethods and we do not know whether it breaks the ABM Treaty, whether the different versions of it do. But more than that, Mr. President, there are two even more fundamental questions that pertain, really, to what we are about tonight.

And these are the fundamental questions: First, what is the mission of SDI? When President Reagan proposed SDI back in 1983 in March it was proposed as an astrodome. My colleagues will recall the cartoons about the umbrella placed over the country. It was to make the whole country safe from nuclear attack. Mr. President, that mission has been explicitly abandoned by this administration, as it was from the time the President's words were out of his mouth by the scientists because it was an unattainable goal.

But there are other possible missions. There is an accidental launch protection mission to protect against a launch by the Soviet Union which would be unintended, or some terrorist launch. There is the protection of individual cities. As the Soviet Union rings Moscow with their one system, we could ring Washington with our one system if we chose to do so, or we could defend against missiles. We could defend the MX, or we could defend the Minuteman. We could defend any system we wish. But that is a possible use of SDI. Or the current vogue in talking about the use of SDI is to confuse the Soviet war planner, to interfere with the sequencing of his attack. That seems such a modest goal, Mr. President, considering the cost of this gigantic system. It seems to me that should be, and I believe it will be if faced squarely by the Congress, rejected out of hand because if all we are doing for all of this hundreds of millions of dollars is interfering with the sequencing of an attack, making it confusing to the Soviet war planner, it seems to me that is not a mission we want.

Mr. President, of all these possible missions, the Office of SDIO, the Secretary of Defense, the President of the United States, no one has at this point identified a mission or identified a set of missions for SDI.

The answer to this may be we do not know what the mission is until we know what the capability is. That is the second very fundamental, unanswered question about SDIO and that is, what kind of technology are they pursuing? There are at least three major choices of technology, Mr. President. There is what I would call in one word the so-called ray technology. These are all the beams, the x-ray laser, the other kind of chemical lasers, the nuclear-driven x-ray laser, the neutral particle beam; all kinds of different rays which people out there in America may think is what we mean by SDI because they have seen the mockups on television where the little orbiting ray guns shoot the missiles as they take off. They always shoot them down with rays in television. That is a possible choice here.

The second choice is what I would call the garage mode of SDI deployment. What I mean by the garage mode is that you have an orbiting garage, as we call it, filled with missiles which are directed principally by central targeting systems, such as the so-called BSTS, the boost surveillance and tracking system, or the SSTS, which is the space surveillance and tracking system. These are two systems that are being widely researched right now and have been for some years.

Boost surveillance, obviously, is designed to be a system in place to detect Soviet missiles in the boost phase and post-boost phase. The space surveillance and tracking system, obviously, is to track them during the midcourse part of the system. But, Mr. President, the garage mode is or was for many years, for many months, the preferred method of deployment or at least a consideration of research for SDI. The rockets which are contained in the garage are what we call kinetic kill; that is to say, they would shoot out as a rocket guided by these central sensors initially and would home in on and kill the oncoming Soviet warhead

by actually striking it, by physically hitting it.

The third method, Mr. President, is what I would call the independent kinetic kill vehicle. This is the brilliant pebbles system which has arrived new on the scene. Brilliant pebbles, Mr. President, involves thousands and thousands—in fact, one of the scientists has identified as many as 100,000 independent satellites, each one of which has its own individual sensor, and the idea would be that somehow we could control those satellites so that they would not shoot down orbiting friendly astronauts, or whatever, but would somehow be triggered to select the right targets when they came over. That seems to be the preferred method.

Mr. President, what we are being asked to do here is to add this $673 million to SDI to buy a pig in a poke without their having selected the technology. Again, it could be beams; it could be the garage method; it could be brilliant pebbles. And which is it that they are pursuing? Well, they tell us, Mr. President, they do not know that now; that they will know sometime later, sometime this fall.

All we know is we have a five-page sheet containing a "tentative" set of numbers dated June 12, 1989. Let me read a short paragraph which is the preface to these pages. It says:

> The attached project level distribution of the SDIO fiscal year 1990 budget request, which is $4.6 billion, is tentative, pending (a) the results of space-based architecture studies and evaluation of the brilliant pebbles concept to be completed this fall, and (b) the completion of a series of internal program reviews designed to fine tune the program and assure executability in light of a more constrained fiscal environment and the various space-based alternatives.

They continue:

> Although the overall project level funding distribution may change significantly by October 1989, the boost surveillance and tracking system, that is project 08, will be continued to be funded at the current level.

Mr. President, to repeat that, we are asked to increase SDI based on tentative numbers which may change dramatically and drastically based upon studies that are to be made.

In every other program that the Department of Defense has, they are able to come to us and say that we want so much money to build such and such a weapons system. With respect to SDI, we are asked to commit to a program which is growing by hundreds of millions of dollars without knowing what that would be spent for and, once the technology is produced, what the mission of that is to be.

It seems to me, Mr. President, that we in the Congress ought to demand that before we fund SDI, we know what the purpose of it is; we know what we are getting into; we know what we want to achieve.

(Mr. DASCHLE assumed the chair.)

Mr. JOHNSTON. All we know, Mr. President, is that they want a tremendous increase here; that it is a $33 billion requested program over a period of 5 years. I ask my colleagues to consider that this year they want an increase of $974 million. But it does not stop there. Next year there is about an $800 million increase. The year after that there is a $900 million increase. The year after that there is a $1.4 billion increase. The year after that there is a $1.3 billion increase.

In other words, the requested program is growing like Topsy—a $33 billion program—without knowing either what technology we are going to buy or what the purpose is.

Now, Mr. President, that is so fundamental. We do not know what the technology is. It could be brilliant pebbles. We could put it on the so-called ray technology. We could put it on the so-called space-based interceptor, SBI, which is the garage technology. We do not know. Before we increase this program, which is already very generously funded, we ought to know what it is for.

Now, we know with the B-2 approximately what it costs, and what it is for, and we can debate that back and forth. We can debate back and forth the V-22. We know what it is for, what it will accomplish, how it works, and what its use is. It seems to me we ought to do that. But we do not know either what we spend the money for or what it would accomplish. There are so many fundamental questions to be answered about SDI it seems to me what we ought to do is hold that very generously funded program where it is, increase it by inflation, and use the money on uses that we know are very important.

Now, Mr. President, what are those uses in this amendment? First of all, there is the V-22 Osprey, the tiltrotor aircraft. We provide a $157 million transfer for that, for advanced procurement to procure the critical long leadtime items, hold the production teams together, and protect the production options for next year.

The Senate Armed Services Committee press release on the fiscal year 1989 DOD authorization bill listed a number of major weapons systems that Secretary Cheney had canceled and said they all ought to be canceled save one, and that is the V-22 Osprey. The Senate Armed Services Committee, I know, supports that.

Second is the KC-135R reengining, providing $140 million for 16 more reenginings. That would bring us to a total of 40 kits in fiscal year 1990. Again, the Senate Armed Services Committee authorized reengining an additional 16 aircraft at $140 million but they could not afford to fund it and so they told the Air Force to take it out of their hide, that is, to take it out of other programs. This amendment provides the money.

Next, Mr. President, we procure 2,000 Maverick missiles. Mr. President, the Senate Armed Services Committee report states that the Maverick production rate is below the minimum sustaining rate and far short of the economically efficient rate of production.

Maverick is the only guaranteed tank killer for the Air Force close air support mission; says the committee report. The Air Force plans to buy only one-third of the inventory of Mavericks which they need and this situation according to the Senate Armed Services Committee report is militarily unwise and economically unsound.

So, Mr. President, what this does is, with respect to Maverick, give more of what is needed, not all of what is needed by any means, to that important program.

The $75 million for DARPA, Mr. President, I have heard it stated by knowledgeable people that that $75 million in itself is more important R&D for defense, more important R&D for the country than is the total amount of the increase for SDI.

These are such critical technologies, superconductivity, high density television, gallium arsenide for the new generation of computer chips, x-ray lithography for the new generation of computer chips. And by the way, Mr. President, the new generation of computer chips will be a $100 billion-a-year business, according to the Secretary of Commerce, by the year 2000. That is just on the civilian side, not to mention the military side.

Supercomputers, I do not have to tell my colleagues of the importance of those. And Army ammunition which is greatly underfunded, an additional $18 million brings us closer, still well below but closer to our needs. And the R&D on the RF-16.

The RF-16 is the version of the F-16 which will be used for tactical surveillance. Right now, Mr. President, we use the F-4, which is a very old airplane. It does not have the capabilities of the F-16 and in particular it is very loud. The noise of a jet plane used in surveillance makes its utility greatly diminished. So we ought to be doing R&D on the F-16 in the surveillance mode.

So that is how we spend the $558 million, Mr. President. I think this is a very prudent transfer. I think it enhances defense, and I think it fully meets all of the needs of SDI.

I yield the floor.

Mr. BENTSEN. Mr. President, I rise in support of the amendment of the distinguished Senator from Louisiana. I agree with where he wants to be, how he does it.

One of my main reasons, though, for supporting it is the V-22. A good part of that goes to my own State, so I have a parochial interest in it, but it really goes beyond that.

I was on the board of a major aircraft company before I came to the Senate. That company was working on the technology for a tilt rotor, believing it had a great commercial application. But one of the problems was where were the small airports located near the city. Which came first? Did you build this for a commercial application or did you get the airports built first? Did you get it through the airport trust fund. The chicken or the egg?

Here we have a chance to do something for the military. This will become a great military aircraft, but it will also have applications for commercial aircraft. There are five major companies in Europe now, heavily subsidized by their governments, concentrating on this kind of technology, wanting to beat the United States into the tiltrotor vehicle. They have done some things on the Airbus and they have made great headway on that. They have taken a substantial amount of our market in that process. Let us not let them do it again. Let us go ahead and support this amendment and get on with construction of this aircraft.

Mr. President, I am pleased to join in cosponsoring this amendment to revise our military priorities in order to shift needed funds into several defense programs, including the V-22 Osprey.

I believe it is appropriate to offset these increases with a reduction in the funds for the strategic defense initiative. Even with the cuts proposed by this amendment, SDI will still be the second largest program in the defense budget and the biggest R&D account.

Obviously, more could be done with more money, but that truth applies to all defense programs, SDI would still be a highly favored program, with $4 billion despite our tight-budget environment. Since SDI is a long-term program, which President Bush has already slowed by his own cuts, we can with greater confidence shift some funds into smaller but more urgent programs.

SDI is also a better source for offsets because reductions there would not cut military pay or personnel, would not reduce combat readiness, and would not slash ongoing modernization programs.

By holding SDI to an inflation adjusted freeze, we can make significant improvements in several other defense programs. Let me mention just a few which I consider particularly important.

This amendment provides $157 million in advanced procurement funding for the V-22 Osprey—money vital to keep this promising program moving forward.

I think it is significant that the Armed Services Committee specifically did not agree with Secretary Cheney's decision to cancel this program.

Instead, the committee approved $255 million for continued research and development for this program and requested further testing and careful review of several aspects of the V-22.

The committee acknowledged what I consider a most compelling reason for pressing ahead with this program—the substantial commercial potential which tiltrotor technology could have for alleviating airport congestion and providing a new, major aerospace export for the United States.

I do not mean to minimize the military value of the V-22.

It would substantially enhance the Marine Corps by giving it much greater range, speed, and flexibility for amphibious operations. It could give our special operations forces unrivaled capabilities for antiterrorist and hostage rescue missions.

While the United States is pursuing this technology for immediate military applications, other nations are rushing to exploit commercial and export opportunities.

Already, five government-subsidized companies in Europe have formed a consortium to beat the United States into the civil marketplace for tiltrotor technology, consequently, added funds for the V-22 will preserve our future civilian options as well as maintaining the military ones.

This program is also important for Texas, where several thousand highly skilled and experienced helicopter craftspeople face the loss of their jobs if Secretary Cheney's decisions to kill the V-22 and the AHIP are implemented. It would be a tragic loss to our work force and to our defense industrial base if these people are denied the opportunities to practice their expert skills on these aircraft programs.

Mr. President, this amendment also provides money for other very important, but underfunded, defense programs. I want particularly to emphasize the $75 million we would shift to DARPA, the Defense Advanced Research Projects Agency.

Of this amount, $20 million will go to supplement the committee's $20 million increase for research related to high definition television [HDTV].

Until now, the administration has approved only $30 million over 3 years for this technology, despite the fact that it could well be the basis of a multibillion-dollar industry within a decade, with enormous implications for trade, the cost of defense electronic components, and our defense industrial base.

Earlier this year, DARPA solicited proposals for HDTV-related research. Though it had only $30 million for this purpose, it received dozens of very attractive plans. To fund only the best ones would have required $100 million per year for 3 years, DARPA testified. With this amendment, the Senate will be endorsing $40 million this year for HDTV research by DARPA.

Personally, I would like to see the Commerce Department involved in this project, but I understand that that Department's report on HDTV has been delayed. To move ahead in this technology, we have to get moving, and this bill with this amendment provides the best available means.

Our amendment increases funding for other highly promising research programs in DARPA, including x-ray lithography, high-temperature superconductivity, and artificial intelligence. These are dual-use technologies, with important defense applications and exciting nondefense possibilities as well.

Until we set up a framework for the systematic development of these new technologies—as I have proposed with Senator HOLLINGS in S. 1191—we will have to rely on a trickle down of advances from defense to the domestic economy. That is inefficient and insufficient in my view.

Mr. President, this amendment—by shifting funds from SDI to very important conventional weapons and advanced technologies—is necessary if we are to avoid a dangerous imbalance in our defense programs. We must not allow strategic defense research to squeeze out other promising programs like the ones I have mentioned.

I urge my colleagues to support this amendment.

DIVISION OF AMENDMENT NO. 500

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask that amendment No. 500 be divided between sections 8 and 9. Actually, between lines 8 and 9, Mr. President.

The PRESIDING OFFICER. The amendment is susceptible to division at that point. The amendment is so divided.

The amendment was divided into divisions I and II.

Mr. PRYOR. Mr. President, on the first portion of that amendment which takes $558 million from the SDI Program, on that particular amendment or that phase of the amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JOHNSTON. Mr. President, will the Senator withhold? I think I know what he is doing. But would he explain what he is doing for us?

Mr. PRYOR. Yes. Mr. President, in answer to the inquiry from the Senator from Louisiana——

The PRESIDING OFFICER. Does the Senator from Arkansas withhold his request for the yeas and nays?

Mr. PRYOR. I withhold my request.

In response to the Senator from Louisiana, let me answer by saying that this measure that we have before the Senate right now—in my opinion some of it may be very productive. I think for example in looking at the fact that we have spent $17 billion on the SDI Program over the past 5 years it would not hurt us to cut $588 million from the SDI Program. Once we do that, and I join the Senator from Louisiana in this, I think what he has done is a very constructive and meaningful amendment.

But after that, if we want to add money back into various programs, then I think that should be a matter voted on separately, perhaps even next week. I can say to the Senator from Louisiana that I think if we cut the money now and worry about if we want to make add-ons next week, that is fine. And I will take my chances, for example, with the Maverick missile next week.

But we have spent probably $3 billion to $4 billion on a Maverick missile. Let me read, if I might, from page 72 of the Senate report from the committee.

It says this under the "Maverick missile": "The Air Force and the Navy intend to terminate further procurement of the * * * Maverick missile after fiscal year 1992."

The Senator from Louisiana has just stated in his remarks, and I quote, "The Maverick is below minimum production."

Mr. President, the reason the Maverick is below the minimum production is it has not worked. It has never worked. The General Accounting Office as recently as 1987—part of this report is secret. I invite Senators to come by this desk and read those parts that are secret. This missile has not worked. It has been a 10-year program or a 15-year program, a multi-billion-dollar program. And now we are trying to pump in $145 million in addition to the request the committee has made. They want to cancel the program.

I think it is ludicrous, absolutely ludicrous, for us to consider putting $145 million into a program they say they are going to stop in 1982. The distinguished Senator from Louisiana, my friend and neighbor, also stated a moment ago, and I quote, "This is a guaranteed tank killer."

Mr. President, if the Maverick missile has blown up one tank yet in the past 10 or 12 years, I would like to know about it. Maybe it has. I stand corrected if it has. But the Maverick missile is a jobs program. If we want a jobs program let us make those jobs to building something that works, protect our service people, and protect the interests of this country, the national security interests of the United States. Let us not keep buying these turkeys because they do not work.

Look at this General Accounting Office report right here. Look at the committee report from our own Armed Services Committee. We are going to cancel this thing. We are going to stop buying them. What are we doing? We will spend another $145 million. It does not make sense, Mr. President.

I am simply saying let us cut the money for SDI $558 million, and decide next week whether we want to reauthorize some other programs. I will take my chances at that time.

That is why, Mr. President, I am requesting a division and ultimately the yeas and nays on the cut.

Mr. JOHNSTON. The division is at what point?

Mr. PRYOR. Between lines 8 and 9.

Mr. JOHNSTON. On page 2?

Mr. PRYOR. Mr. President, I think that is correct.

The PRESIDING OFFICER. The Chair would inform the Senator from Louisiana that the Chair's understanding is that the division would occur on page 1 between lines 8 and 9.

Mr. PRYOR. That is right.

Mr. EXON addressed the Chair.

Mr. JOHNSTON. The Chair has ruled that division.

The PRESIDING OFFICER. That is correct. The yeas and nays have not yet been requested.

Mr. PRYOR. Mr. President, would the distinguished Senator from Louisiana yield? I do not want to do procedurally anything that goes against his grain. Would the Senator from Louisiana object now if I requested the yeas and nays on division I of the amendment?

Mr. JOHNSTON. Mr. President, if the Senator will yield, is it possible to have a debate on the division II after we voted on division I? Then the debate can ensue between the votes on the divisions of the amendment?

Mr. WARNER. Mr. President, reserving the right to object, would the Senator restate that? I am not sure it is clear. If the Chair would state the parliamentary situation with respect to the Johnston amendment, has it now been subdivided? If so, precisely at what point?

The PRESIDING OFFICER. The Chair would inform all Senators that the amendment has been divided. Division I is that part of the original amendment which includes lines 1 through 8. Part 2 is the remainder of the original Johnston amendment.

Mr. WARNER. Mr. President, I propound a further question so that Senators who may not have the amendment before them and possibly are listening will understand. In substance that would mean we now have two amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Division I would essentially be a straight up-or-down vote on a cut on SDI; the second would be a straight up-or-down vote on adding back certain programs to the underlying bill; is that correct?

Mr. JOHNSTON. Mr. President, if I may have the floor to answer that question——

Mr. WARNER. If the Chair could respond to the Senator's question?

The PRESIDING OFFICER. The Chair is uncomfortable in characterizing the amendment in any fashion. But as I described the amendment earlier, all of the remainder of the amendment which is titled "Increase in Authorization for Other Programs" is the total amendment to be offered by the Senator from Arkansas as division II. So the characterization is probably accurate.

Mr. WARNER. I wish to advise the President this Senator understands.

Mr. JOHNSTON. Mr. President, I was in the process of answering a question.

The PRESIDING OFFICER. The Senator from Arkansas retains the floor.

Mr. PRYOR. I am glad to yield.

Mr. JOHNSTON. I believe the Senator from Arkansas yielded to me to answer a question about this division, which is: After the vote on the first division occurs, is the second division either amendable or debatable at that point?

The PRESIDING OFFICER. The Senator from Louisiana is correct.

Mr. JOHNSTON. So that in effect we can proceed directly to vote on the division I; that is, the limitation on SDI, and if that is agreed to, then we could decide how the money was to be spent. It could be amended as to Maverick or anything else, and we could debate that and have a series of votes on the second division; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Will the Senator yield?

Mr. PRYOR. I will yield.

Mr. NUNN. I direct this question to the Senator from Louisiana: Would it be the Senator's view that if the SDI cut amendment is adopted, which is this division I, then we would debate how to divide the money, with the debate focusing on your amendment, with the amendment being in order?

Mr. JOHNSTON. That is correct.

Mr. NUNN. One further question: If the Johnston amendment is defeated on the SDI cut, would the Senator from Louisiana then pursue the other part of his amendment?

Mr. JOHNSTON. Division II of the amendment would then be really not in order, because it would be spending money not available.

Mr. NUNN. Throwing us way over the budget.

Mr. JOHNSTON. That is right. The whole amendment would fall.

Mr. NUNN. So the real question we will have to address is whether to adopt division I, and if division I is agreed to, we would then have debate on division II, as it may be amended. If part 1 fails, then people could go home tonight and get a nice meal and rest.

Mr. JOHNSTON. Well, Mr. President, if the Senator will further yield, I wonder if now that we have a division of this amendment, if we could get a time agreement on the first section. I do not think that would produce any——

Mr. NUNN. Can I suggest 8 o'clock?

Mr. WARNER. The Senator from Virginia would require consultation with a number of Members on this side. At this time I could not agree to a time limit on just division I, if that is the Senator's request, to ascertain the likelihood of gaining that time agreement.

Mr. JOHNSTON. My own view is, Mr. President, that I would be ready to vote at 8 o'clock or at any other time that my colleagues would want.

Mr. PRYOR. Mr. President, if I could expedite matters, I would be willing to vote on the first division, on the $558 million cut in SDI, at 7:30. That is 7 minutes from now. But I have no further statements. I think the issue is clear. All I was doing was reserving time, if perhaps one or two colleagues wanted to make a comment. I have no other comment. We will vote on the $558 million in SDI, and we will deal with other issues later.

Mr. NUNN. I would not propound any unanimous-consent request now. I know the Senator from Virginia has to discuss this with several Members on his side. For the Democratic Members and for those on both sides of the aisle, in about 15 minutes I would hope we could arrive either at a vote, which is the ideal situation, if everybody is ready to vote. There is no need to have a unanimous consent.

If there is still debate going on in about 15 minutes, I would like to propound a unanimous-consent request that we have a time certain for the vote. My suggestion would be 8 o'clock, but that would depend on the will of the group. I hope we can find out from Senators whether they would object, and let everyone be thinking about if they would object to voting at about 8 o'clock.

Mr. PRYOR. I do not want to be objectionable tonight, Mr. President, but I see no reason why we have to go until 8 o'clock to decide. I think the issue is pretty clear.

Mr. NUNN. The Senator from Arkansas stirred everyone's blood with this interjection.

Mr. PRYOR. When Senator NUNN talked about the Maverick missile, he stirred my blood a little bit.

Mr. NUNN. We have to calm down.

Mr. PRYOR. If I might suggest to the distinguished chairman, would 7:45 be an appropriate time? That is 20 minutes from now.

Mr. NUNN. I have not had a chance to talk to the majority leader. That is what I have to do. I would say about 15 minutes after I have had a chance to consult and the Senator from Virginia has had a chance to consult. It would be my intent to try to find a time certain to vote.

Mr. PRYOR. I understand. I ask for the yeas and nays on the first division.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair would inform all Senators that this only pertains to division I of the Johnston amendment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from Louisiana. I do so after having listened to his presentation on the measure he has proposed. I first want to say that the Senator from Louisiana is so right and so reasonable in his amendment that I suppose some people might be swayed by it.

I agree that the funding level for the SDI should probably end up somewhere in the area as proposed by the Senator from Louisiana. I also agree with many of the statements that he made in his eloquent presentation, when he says that the SDI Program from time to time has been oversold. It certainly has been, I say to my friend from Louisiana.

I think I was shocked and disappointed as a supporter of the SDI Program, when it was first introduced, to see those colored cartoons on television of a little girl drawing a yellow balloon, like a shield, and it showed missiles bouncing off of it. Therefore, it is important that we put this in proper perspective. It is also important to put in proper perspective what the Johnston amendment would do to the SDI Program.

It is also true, Mr. President, that if there is one fundamental reason above everything else, that we should at least continue research and development on the program, that we have invested a great amount, billions of dollars, in.

It is a fact that, aside from what effect it might have, pro or con, on the Soviet military planner, there is one fundamental need above everything else that I would alert the Senate to, and that is the threat of terrorists or small Third World nations and their ability to come up with some kind of a nuclear device, whether it is accurate or not, that could, I think, hold hostage the United States of America.

Therefore, beyond everything else, one of the reasons that we must proceed, in my view, with some kind of a reasonable program in SDI, is the fact that not only today, but 2 years from now or 5 years or 10 years from now, I think it is absolutely essential that, at a minimum, we have some kind of a defense against a single or a double or a triple launch of an ICBM against the United States, not from the Soviet Union, but from some Third World power or from some terrorist organization.

Therefore, the amount of money that we have thus far invested in SDI and the amount of money that we will invest in the future would pay a handsome dividend, if at least the SDI Program has the potential. And I assure my colleagues that, from my perspective, the SDI Program, at a minimum, has the potential, if we pursue it in a prudent manner, to at least give us that capability, which would be tremendously important to the national security interests of the United States, if not the security of the world in general.

Therefore, Mr. President, I am going to outline, if I can, some of the reasons that I believe the amendment offered by the Senator from Louisiana should be defeated by the United States Senate. I have listened with great interest to my friend and colleague from Arkansas. I think he makes an excellent point.

A lot of excellent points have been made.

The facts of the matter are the Senator from Arkansas has for many years tried to cut the SDI Program. That is what he firmly believes in and I have no quarrel with that except that I think he is trying to cut the SDI funding levels below what we basically need.

The Subcommittee on Strategic Forces and Nuclear Deterrence, which I Chair, has already made significant cuts along with other cuts in the President's request for the Strategic Defense Initiative from $4.9 to $4.5 billion.

I would also point out to the Senate that outgoing President Reagan requested $5.9 billion for this program and President Bush and his administration cut that by $1 billion to $4.9 billion.

The committee, after its deliberation, reduced the amount requested by President Bush another $300 million to $4.5 billion.

The Armed Services Committee studied this. We debated it, and we came up with a figure that we thought was reasonable.

Another $66 million was taken away from the Energy Department's nuclear directed weapons portion of the SDI Program.

Some consider this previous action too deep a cut in the SDI Program. I can understand this concern as I have long considered myself to be a supporter of a reasonable research program for SDI.

There is no question that a combination of strategic offensive and defensive forces could yield a formidable deterrent under certain circumstances.

I submit, however, that such a formula excludes the impregnable shield advocated by former President Reagan. This plan was only a false hope which ignored the limits of technology and the reality of economics. Indeed, attempts to sell the SDI Program on this basis may have done more to harm the cause for strategic defense than it was helped.

There are additional reasons for supporting the SDI Program. We must always have an insurance policy against a Soviet decision to deploy a nationwide ABM capability. As part of such a policy, we may want to have the option of eventually deploying our own ABM defenses. That the intelligence estimates of the Soviet ability to rapidly deploy such defenses, and the interpretation of these estimates, are so widely disputed are reasons enough, I suggest, for us to be extremely cautious.

Furthermore, and perhaps of more immediate benefit, is the tremendous negotiating leverage that a sound SDI Program provides to our strategic arms negotiators. The Soviets do note this body's level of commitment to the SDI Program.

This is the one program that the Soviets complain about over and over again and obviously it causes great concern to the Soviet military planner. If we reduce SDI funding below previous year's funding, that shows less interest and, therefore, less support and, therefore, less leverage for our negotiators.

I say to my colleagues do not be misled by the pronouncement that the Johnston, et al., amendment will assure funding for the SDI at current year's levels plus inflation. This amendment would do the opposite. Given the House funding for the SDI, that cannot be accomplished. Dress up this amendment in any fancy rhetoric that you want but acceptance of it will guarantee a significant reduction in the SDI funds from last year, make no mistake about that.

For those who are for cutting the SDI fundings, as many of my great friends and colleagues are, then I suggest that you vote for the Johnston amendment. But let us all understand that the Johnston amendment guarantees that we will have funding levels below what we have this year. Now the amendment of the Senator from Louisiana does not reduce SDI below last year's level; it freezes it at that level.

I would like to see such an outcome eventually myself, and the numbers offered by the Senator from Louisiana happen to almost exactly coincide with what I thought that the SDI Program should be funded at the beginning of our deliberations in the Strategic Forces and Nuclear Deterrence Subcommittee and in the full committee itself.

I stand here on the U.S. Senate floor today, though, to tell you that there is no way, there is no way that we can reach the implied goal suggested by the Senator from Louisiana if we accept his amendment. Why? Well, because we still have to deal with the House of Representatives in conference.

The House Armed Services Committee previously reduced their version of funding for the SDI to $3.75 billion, including funding for both Defense and the Energy Departments. On the House floor, this figure was further reduced to $3.1 billion.

This is well below last year's level of $4 billion. Even if we split the difference between the committee mark and the House mark as we have in the past, there is now no way we can avoid a conference outcome lower than last year's level.

If we accept the Johnston, and others, amendment, it will be significantly below last year's level, I assure you of that.

That is what is wrong with this amendment. It goes too far, too fast. This Senator could support the SDI level proposed by the Senator from Louisiana but only in conference; not on the Senate floor.

If you support the SDI Program to the extent that you do not wish to see us spend less next year than we are this year, then you should not vote for this amendment. It promises a freeze but it cannot deliver that. Not with the House at such a low figure as $3.1 billion. It will only result in a figure lower than last year's figure. I did not support the huge increases proposed for SDI under the Reagan administration; I do not support the huge increase for SDI proposed by the Bush administration, not in this era of a declining defense budget. But I do think we should at least stay where we are in terms of funding. That was the intent of the Strategic Subcommittee's mark on SDI.

While I do not think that we are ready to rush to any SDI deployment nor that we can afford huge increases in the SDI budget, I do not think that we should reverse the progress and promise of this program.

The Strategic Subcommittee's recommended funding level offers the middle road on SDI and if this body accepts that level then we will be able to go to conference with the House of Representatives and come out somewhere near the recommended figure that Senator JOHNSTON addressed.

I urge my colleagues to follow this road and reject the amendment of the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. EXON. I am happy to yield.

Mr. JOHNSTON. Mr. President, I think the Senator from Nebraska has made his case on splitting the difference between the House and the Senate on SDI and that is some consideration. I would note that if you split the difference between the House and Senate level as it is you would come out less than inflation, and I do not think splitting the difference is the way to do it, and I do not think that is the way you would do it.

Nevertheless, there is another consideration here, and that is if we do not allocate this money which is done by the second part of the amendment, for example, the V-22, then when you get to conference you will not have any running room on V-22 and on KC-135R's and on DARPA and on the other additions we have made because you are already below the House on these matters, so that if you want to consider V-22 in conference or KC-135R's or the other items in here, you have to vote for the Johnston amendment, the second part, or some reasonable facsimile thereof. Is that not correct?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator controls the floor.

Mr. EXON. Mr. President, the Senator is absolutely correct. What he does not seem to understand is that all of the considerations that he is bringing up on the floor of the U.S. Senate were thoroughly considered by the Strategic Subcommittee and by the full Committee of the Armed Services.

I am against the Osprey. The Osprey is a good program and I wish we had the money to finance it. The facts of the matter are that the President of the United States, the Commander in Chief, all of the top military leaders of our country, the Secretary of Defense and the rest of the administration, looked at the overall budget and they decided that the V-22 Osprey was something, given the budget considerations, that we would do without.

So, I frankly cannot have any sympathy for that argument from the Senator from Louisiana. It is time that we stood up. It is time that we recognized, Mr. President, that we do not have the funds to do everything that we would like to do. We also, for the information of the Senator from Louisiana, discussed and funded some additional KC-135. We have done that each and every year.

Basically they have been too low on the recommendations from the administration. I recognize that is a good

program and I wish we had additional money to go into the KC-135 tankers. We simply do not have.

Therefore, we made a very basic decision in the Armed Services Committee to recognize and recommend a funding level that we thought we could live with based on what was recommended to us by the Commander in Chief. Therefore, I, too, wish that I could have the funds to support some of the things that the Senator from Louisiana would do. I suspect, though, that one of the smaller items, I believe to the tune of $5 million, that would be provided with this money for the super collider is an effort as much as anything else to pick up some votes for the amendment offered by the Senator from Louisiana.

I would simply say, Mr. President, that some of the things the Senator from Louisiana——

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. EXON. In just a moment, please.

I suspect the Senator from Louisiana has made some good suggestions. There is nothing that he has considered, there is nothing that he has talked about on the floor of the Senate, there is nothing in his amendment that was not thoroughly worked over after hours and hours and hours and days and days and days of hearings.

I simply think that the study that we have done on this in the Armed Services Committee, based essentially on the recommendation from the administration, should hold in this area. Therefore, I cannot support his amendment.

Yes, I am glad to yield.

Mr. JOHNSTON. The Senator said the $5 million for the super collider was a political add-on. I would say that the Senator misunderstood. That is the supercomputer.

Mr. EXON. There is no super collider money?

Mr. JOHNSTON. No super collider money.

Mr. EXON. I misunderstood the Senator. I apologize. I listened to him very carefully. I thought he said super collider, but it is supercomputer.

Mr. WILSON. Mr. President, I rise to strenuously object and urge the defeat of this amendment.

The distinguished Senator from Nebraska, the chairman of the Strategic Subcommittee, has very eloquently stated the need for sustained funding for the Strategic Defense Initiative to provide a deterrent, an insurance program, against a Soviet breakout, and not simply against Soviet attack, but against accidental launch, either by the Soviets or by someone else having a missile capability or by some third power having that capability, not accidentally.

He has spoken of the tremendous leverage that SDI has given the United States in arms control negotiations. It is not simply a chip. It would have no bargaining power if it did not indicate a future capability that was substantive and real and of compelling urgency from the standpoint of the Soviet Union.

Mr. President, let me just say that what we are faced with here is not simply a cut, which is in itself imprudent, but you have to take into context the fact that this is not a unicameral legislature.

If the Johnston cut became the position of the Senate, when the House and the Senate conferees meet, it will be in a very much constrained situation. Because the House has already acted with total irresponsibility. They have cut the SDI budget from the President's request of $4.6 billion to $2.8 billion. Mr. President, that is about a 40-percent cut—40 percent. That is not prudent pruning. It is mutilation.

But, unhappily, the sad experience of similar prior irresponsibility on the part of the House of Representatives in prior years has led me to anticipate a similar pattern of conduct this year. Therefore, on the 15th of June, when the Director of the Strategic Defense Initiative Organization appeared before the Senate Armed Services Committee, I asked General Monahan, the Director, to put on paper his assessment of what the impact would be if there were cuts of 10 percent, 20 percent, or as much as 30 percent below the Presidential request, which I would remind my colleagues was already a billion dollars less than the Reagan budget called for; that billion-dollar slash having been driven by deficit pressures.

So what we are dealing with on the part of the House of Representatives in a $2.8 billion figure represents half of the Reagan request and only 60 percent of the far more austere Presidential request of this administration.

To give you some idea what that means, let me quote from General Monahan's response to my request of his written assessment of the impact of cuts of 10, 20, and 30 percent. Even at the 90-percent level, he wrote:

> The impact of successive budget reductions would also produce increasingly serious damage to the SDI program infrastructure * * * even at the 90 percent level we will have to begin dismantling this infrastructure, incur additional costs due to program stretchout and contract renegotiation/termination, force layoffs, and suffer losses of skilled scientists and engineers.

Mr. President, the magnitude of those projected losses of skilled scientists and engineers is 3,500 at the 90-percent level. If we were to see a cut of 20 percent, we would lose more than 6,000 personnel. And at 70 percent level of funding, a 30-percent reduction, we would lose from the SDI Program 8,000 skilled engineers and scientists, which is an irreplaceable loss that would, in itself, dramatically alter the pace and progress of the Strategic Defense Initiative Program.

"This funding level"—to continue quoting General Monahan—"could not support the research and testing needed to make an informed decision" on deployment "within 4 years."

A significant point, not simply a parenthetical addendum, is what the impact would be upon our allies, those with whom we have joined in joint ventures trying to come to some kind of mutual benefit.

General Monahan did not mince words. What he said was: "U.S. funding for most allied cooperative programs would be terminated." Specifically, the Arrow missile project currently being developed to provide Israel the antitactical ballistic missile defense, upon which it may well depend for its survival, is threatened with termination.

Mr. President, let me just point out that SDI is not a dome. It is many different technologies. It has to do with the use of sensors. It has to do with control and guidance systems. It has to do with a great many different technologies. And there is a synergy between these different programs which results in what we call the SDIO program.

But there is a distinct threat, not one that is academic and not one that we can afford to ignore for very long because there is a special urgency.

I mentioned Israel and the Arrow program. Already, Mr. President, hostile neighbors—Syria, Iraq, Iran—possess a missile capability for the delivery of chemical and nuclear warheads to Israel. And to those who think that there is lesser need to sustain the pace of SDI because of some perceived thawing in the cold war relationship with the Soviet Union, I hope it is clear that, putting the best face upon superpower relationships, there remains the hideously plausible and even probable scenario of Israel, defenseless against ballistic missile attack, suffering a second and final holocaust as nuclear or chemical warheads rain down upon her.

Mr. President, that missile capability exists and there is a clock running. I will tell my colleagues that the real debate should not be on how we split the pork, whether we apportion it to this program to provide jobs in one State or this program to provide them in another. The fact of the matter is, we are talking here, not simply about jobs, but we are talking about literally the survival of the State of Israel. And, I must point out, that the United States remains utterly defenseless.

That is not the situation in the Soviet Union. To the contrary, entirely within the ABM Treaty, the Soviet

Union has taken advantage of what is permitted to it and has constructed not only the most extensive air defenses in the world but those which can be very readily adapted to a national network of antiballistic missile defenses.

That is not my assessment. It is the assessment required in last year's defense authorization bill, under section 908. The President of the United States, with the advice of the Joint Chiefs of Staff and the Department of Defense, is required to report to the Congress his analysis of the alternative strategic nuclear postures for the United States and a potential START treaty. And he has done so, Mr. President. He has rendered that first report.

It points out for over a generation the Soviet Union has been expanding and modernizing not only its offensive nuclear forces but also expending vast sums on strategic defenses, including passive defensive measures.

I will quote now from the report required under section 908:

> The result is an extensive, multifaceted, operational strategic air and ballistic missile defense network, as well as an active research and development (R&D) program in both traditional and advanced antiballistic missile (ABM) defenses. If left unanswered, even in the event of a START Treaty reducing the number of offensive weapons, Soviet offensive and defensive force developments will undermine our ability to deter a Soviet attack.

So, it is not just Israel that is placed in jeopardy by the course of events that we are talking about. It is the United States.

So, while the Senator from Arkansas is unhappy with the diversion to a particular program that he thinks without merit, that really should not be the fundamental issue. The fundamental issue is: How in the world can we, in conscience, put ourselves in a position where there is no hope in conference of reaching a figure that permits either the United States or its allies to entertain any thought that we are moving at a pace and sustaining a progress that can achieve the kind of defensive capability that is essential, according to the language that I have just read?

And the answer is that we cannot. It is not rational to pass the Johnston amendment because it means we go to conference with the House with a virtual guarantee that the figure that we get will not be what the Senator is proposing, which in itself is far too low. This is a truly irresponsible figure, below the existing funding and far below what is called for if we are to seriously and honestly engage in the kind of negotiations which we hope will produce a safer world.

Mr. President, it is essential that the Johnston amendment be rejected. It is not simply unwise. It is dangerously unwise, and we have not only the concern for our own safety but for the safety of our allies.

Let me point out in conclusion that if in fact we delay the pace of completion of the Arrow project we accelerate the likelihood of attack upon Israel. And, if Israel is attacked, the ensuing conflagration in the Middle East is one that I think very clearly threatens to draw the United States and the rest of the free world into the kind of conflict that, really—we simply know not what bounds it might have. The fact is it might not have bounds.

Mr. President, this is not simple porkbarreling of the kind we can shake our heads about. This is dangerous. It is something that affects not just our grandchildren, this affects in a much nearer timeframe, the survival of what are presently free states.

So I urge that the Johnston amendment be rejected.

The Senator from Nebraska, if anything, understates his case. There is need for, not just the insurance program against breakout, but there is need for the kind of insurance program against the otherwise virtually certain attack upon very vulnerable allies. That likelihood we will substantially enhance by adopting the Johnston amendment.

Mr. President, I hope that the Senate will be too wise, that the Senate will in good conscience recognize what is at stake here and not be guilty of the kind of business as usual, the sort of horse trading that would leave us in a position without bargaining power to deal with the House irresponsibility.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today in opposition to the amendment offered by the Senator from Louisiana. Once again, Senator JOHNSTON has skillfully crafted his amendment. Last year it was the space station that would have benefited from his SDI cuts. In this case he is reducing SDI funding and adding money to the V-22 program, the RF-16 program, the Maverick missiles program, the KC-135 re-engining program, and other programs.

Let us look at the case for the V-22. This program fell victim to the Cheney budget reductions. In order that we might keep the program alive, the committee added $255 million in research and development to provide for continued flight testing of the V-22 and to permit commercial exploitation of the aircraft. The committee also directed the Department of Defense to join with the Federal Aviation Administration and the Department of Transportation in a thorough review of the V-22. I believe that this is a reasonable approach.

In regard to the KC-135 re-engining program, the committee recommended an increase of $140 million to re-engine up to an additional 16 KC-135 tanker aircraft. This would sustain an efficient manufacturing base for this program. I believe that this was a reasonable approach.

The Armed Services Committee has also supported the Maverick missile program. We fully funded the administration's request. The Air Force and the Navy intend to terminate further procurement of this program after fiscal year 1992. If terminated at this point, the services will have acquired only a third of their inventory requirements. I do not believe that this was a wise idea. The Maverick is the only antiarmor missile in production for the Navy and the Air Force.

There must be an overall solution to this problem. I believe that we should continue to buy Mavericks. However, throwing money, at this time, at this program is not the solution. I believe that the committee's call for reassessment of the program is the more reasonable approach.

Finally, the RF-16 research and development program. The current Air Force position is to field a mix of manned and unmanned systems to meet the war fighting commander's needs for timely and responsive tactical intelligence. The Air Force is searching for the best way to accomplish this mission.

I support the concept of the RF-16. Both active duty Air Force and Guard and Reserve units will receive these new reconnaissance aircraft. A Tactical Air National Guard unit in Birmingham, in my home State of Alabama, would be the recipient of a RF-16 squadron.

I wrote the Air Force expressing my concern over the termination of this effort. The Air Force responded by stating they are looking at their entire program. They began a review of the program in May, which will be completed in the near future. Air Force officials have informed me that they intend to revisit the issue in their fiscal year 1991 budget.

They have stated that they realize the deletion of funds for fiscal year 1990 creates a gap between the fielding of the unmanned system and the follow-on manned platform. Moreover, they have assured me that this issue will receive the Air Force's full attention once the requirements and Air Force structure have been finalized. I would have been pleased if these funds had been included. However, I have been convinced that the approach taken by the Air Force is reasonable.

Mr. President, I ask unanimous consent that the letter to me from the Air Force be printed in the RECORD.

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

29-059 O-90-22 (Pt. 12)

DEPARTMENT OF THE AIR FORCE,
Washington, DC, July 17, 1989.

Hon. RICHARD SHELBY,
U.S. Senate, Washington, DC.

DEAR SENATOR SHELBY: I appreciate your concern over the termination of the RF-16 research and development program. The current Air Force position is to field a mix of manned and unmanned systems to meet the warfighting commanders' needs for timely and responsive tactical intelligence, and we are searching for the best way to accomplish this mission.

The Air Force is reviewing in-production and programmed airframes to determine the best follow-on manned tactical reconnaissance aircraft to replace the aging RF-46. This review began in May and should be complete in July. The review examines follow-on manned candidates and the feasibility of unmanned systems replacing manned tactical reconnaissance penetrators. Further, the review will provide a recommendation regarding the required tactical reconnaissance force structure.

The Air Force felt it was not prudent, particularly in light of a zero-growth budget, to commit funds to a program while the specific platform and the force structure remain undefined. We meticulously scrubbed not only this program, but other programs, to stay within the Amended President's Budget and deemed it best to revisit this issue during the next budget cycle.

The Air Force's review is nearing completion, and the results will offer us an opportunity to finalize our tactical reconnaissance improvement effort in the amended FY 91 budget. We realize the deletion of funds creates a gap between the fielding of the unmanned system and the follow-on manned platform. We assure you this issue will receive our full attention once the requirements and force structure have been finalized and we will examine alternatives to bridge the gap.

The Air Force leadership appreciates your concern. I hope this letter provides some insight into the current action.

Sincerely,

JACK C. OVERSTREET, JR., *Colonel, USAF, Chief, Weapons Systems Liaison Division, Office of Legislative Liaison.*

Mr. SHELBY. Mr. President, now, let us look at what has occurred in the SDI Program. The budget submitted by former President Reagan contained $5.6 billion for SDI for defense activities. The amended request submitted to Congress by President Bush reduced SDI funding to $4.6 billion for defense activities, a cut of $1 billion. The Armed Services Committee markup resulted in a reduction of another $300 million in fiscal year 1990 funding for the strategic defense initiative in Department of Defense accounts. $200 million of the $300 million was added to the fund for waste cleanup and environmental restoration of our nuclear weapons complex. Additionally, the committee included a provision again this year that banned the obligation of funds for the development or testing of ABM systems not in compliance with the ABM Treaty. Again, I believe that the committee has taken a reasonable approach.

However, I do not perceive the approach taken by the Senator from Louisiana is reasonable. He contends that his amendment constitutes zero growth for SDI in fiscal year 1990. It does not. In reality, the Senator's amendment would lead to a real reduction in the SDI Program, for the first time since its inception. The House Armed Services Committee reported out a bill that contained $3.5 billion for SDI defense activities. SDI was then cut another $700 million on the House floor, taking the funding level to $2.8 billion. It only stands to reason that a conference with the House would result in $3.2 or $3.3 billion for SDI, a cut of $400 million to $500 million from last year.

Let us now look at the impact that funding reduction would have on the program. Lt. Gen. George L. Monahan, director of the Strategic Defense Initiative Organization, has completed an assessment of the effect of such reductions. The Monahan assessment analyzes the impact of a 10-percent, a 20-percent and a 30-percent reduction in the budget request of $4.6 billion.

Mr. President, I ask unanimous consent to print a summary of the effects that these cuts would have on the Strategic Defense Initiative in the RECORD.

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

SUMMARY OF EFFECTS OF PROPOSED CUTS ON SDI

IMPACT TO PROGRAM IF FUNDED AT 90 PERCENT OF CURRENT REQUEST

An informed decision on deployment may not be possible within 4 years. Reduced funding would bring about a lower level of research in technical risk, cost reduction, and key technology areas. Planned research in these areas is critical for a confident decision.

A delay of up to one year for the deployment decision can be expected, with corresponding delays for development and deployment schedules.

Some U.S. Terminal Interceptor (including the Anti-Tactical Ballistic Missile) research may be canceled and Allied testing and participation would, therefore, be limited.

A number of experiments critical to proving important technologies would be delayed or canceled.

Directed Energy and Advanced Technology programs would be slowed to the point where follow-on systems may not be available in time to offset possible Soviet countermeasures to an initial U.S. strategic defense system.

The national workforce currently planned for fiscal year 1990 SDI research may be reduced by more than 3,500 personnel.

IMPACT TO PROGRAM IF FUNDED AT 80 PERCENT OF CURRENT REQUEST

The likelihood of making a deployment decision within 4 years would be further reduced due to an even lower level of research in technical risk, cost reduction, and key technology areas. For example:

Fewer flight tests of interceptors and sensors and ground simulators.

Cancellation, or up to 3 year delay of vital survivability and hardening measures.

Slowing of advanced materials program. This will affect the quality of estimates on producibility, manufacturing costs, life cycle costs, and life duration.

Emerging concepts, especially Brilliant Pebbles, would not be fully explored. The space architecture could, therefore, not be completely defined.

Additional U.S. Terminal Interceptor (including the Anti-Tactical Ballistic Missile) research may be canceled and Allied testing and participation would, therefore, be further limited.

Directed Energy and Advanced Technology programs would remain in the laboratory as the more expensive technology integration experiments would be unaffordable.

Follow-on systems would not be available in time to offset Soviet countermeasures to an initial U.S. strategic defense system.

Initial system development/deployment schedules would be delayed at least two years.

The national workforce currently planned for FY 1990 SDI research may be reduced by more than 6,000 personnel.

IMPACT TO PROGRAM IF FUNDED AT 70 PERCENT OF CURRENT REQUEST

This funding level could not support the research and testing needed to make an informed deployment decision within 4 years.

U.S. funding for most Allied cooperative programs would be terminated.

If we are to continue development of layered defenses that meet JCS requirements, Directed Energy and Advanced Technology programs for follow-on systems would have to be canceled and/or minimally funded.

All aspects of the program would be fund-limited, rather than free to advance at the pace technology is developed.

An initial deployment would be delayed until well after the year 2000, with no provision for follow-on system to offset Soviet countermeasures to the initially deployed system.

The national workforce currently planned for FY 1990 SDI research would be reduced by more than 8,000 personnel.

Mr. SHELBY. Mr. President, the Monahan assessment clearly indicates that an amendment like the one offered by Senator JOHNSTON, would begin the dismantling of the SDI Program. Major restructure of existing contracts would be required. In turn, jobs would be lost. The program would take a significant step backward, after several years of moving forward. Painful choices would have to be made on what programs need to be terminated or severely restricted just as they are coming to fruition. Most affected would be directed energy and advanced technology programs.

The ground-based interceptor program, so necessary to even a limited protections system could be totally restructured and delayed. The HEDI Program would have to be terminated. Moreover, any leverage that we might have in arms control negotiations could be seriously eroded.

At this point I want to focus on the Innovative Science and Technology Program. This program is part of the technology base effort that encourages prompt exploration of new initiatives. Its goal is to exploit innovative

technologies seeking breakthroughs or quantum leaps that would improve the capability of a strategic defense system to perform its assigned functions.

The IST Program provides funds for advanced research in fundamental science and engineering, focusing particularly on exploitable technical areas applicable to ballistic missile defense. The IST research effort is conducted throughout the scientific community in universities, government national laboratories, and small businesses. This is fundamental research.

We have already seen achievements flowing from this program. I am not going to take up the Senate's time reading this extensive and very technical list. I would, however, like to ask unanimous consent to enter this list into the RECORD.

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

IST PROGRAM ACCOMPLISHMENTS

Made monocrystalline diamond films on metallic substrates;

Accelerated objects to 6 kilometers per second;

Measured invisible high atmospheric clouds having critical implications for laser beam propagation;

Determined the insulating properties of the low Earth orbit space environment;

Predicted ICBM telltale ultraviolet radiation;

Invented a cryocooler gas mixture that septuples infrared sensor cooling rates;

Grew a new superlattice that protects optical detectors from light overdoses;

Used a laser to paint copper conductors on a substrate to reduce electronic packaging;

Grew very thin silicon layer on gallium arsenide to thereby reduce power loss by two-thirds;

Made a superconducting Josephson junction at 15 degrees kelvin to enable a voltage-tunable terahertz oscillator;

Employed atomic layer emitaxy to make the thinnest, most highly strained quantum well ever reported;

Tripled second-order nonlinearity of optical materials to enable optical shutters and computing activity;

Created a light spot below the equivalent diffraction limit using Nearfield scanning optical microscopy;

Discovered a bacterial protein capable of optical computer switching to mimic a human neural net;

Demonstrated a fiber-optic gyroscope at 77 degrees kelvin;

Made an accelerometer (more compact than ever before) by adapting scanning tunneling microscopy principles; and

Linked 1.5 GW microwave sources in a phase-array precursor which could greatly multiply power levels for beams projected into space.

Mr. SHELBY. Mr. President, I would like to see the search for highly innovative technologies continue. There are plans for research into free electron lasers, neutron detectors, electromagnetic guns, superconductors, the tracking of space platforms, and high temperature composite materials.

One must also remember that this program has already sustained cut after cut. Additional cuts could kill this program, thus depriving the Department of Defense of a unique opportunity to engage in fundamental research activities.

Now, let us look at spinoffs. SDI technologies have yielded public and private sector spinoffs in medicine, electronics, space technology, agriculture, energy, materials, and industrial products and processes.

In the medical community, SDI research has led to developments in the use of lasers in medicine, biomedical research, ophthalmology, eye surgery, and the diagnosis of disease and infection.

SDI research has yielded many spinoffs in electronics. These include devices that detect explosives and inspect metallic structures for corrosion; new power sources for medical instrumentation, diagnostic and therapy devices; and technology to produce new supercomputers and permit the further microminiaturization of electronic circuits.

SDI research has been a source of a number of spinoffs that will have application for satellite technology, energy, and space transportation. Many of these spinoffs have been spawned by SDIO-NASA cooperative research programs and SDI work in space-system technology.

SDI research in laser doppler radars and linear induction accelerator technology have produced spinoffs that have applications in agriculture. Among these are devices that detect the presence of insects harmful to agricultural crops and safer methods to preserve food.

The list goes on and on. The bottom line is that all of this research will be at risk if we cut SDI further.

Now, any discussion of strategic defense must include an appraisal of Soviet activities in this regard. Despite all the talk of perestroika and glasnost, the Soviet Union continues to improve its strategic defenses. Right now the Soviets have an extensive, multifaceted strategic defense network as well as an active research and development program in both traditional and advanced strategic defenses. These defenses provide the Soviet Union with a significant defensive capability.

In addition, the Soviet Union has the world's only ballistic missile defense system. It is deployed around Moscow and is currently being improved and expanded. They are in the process of replacing 64 old, reloadable, above-ground Galosh launchers with a two-layer defense composed of silo-based, long-range, modified Galosh interceptor missiles; silo-based Gazelle high-acceleration endoatmospheric interceptor missiles; and associated engagement, guidance, and battle management radar systems, including the new pill box phased-array radar near Moscow.

Moreover, in 1987, General Secretary Gorbachev stated that Soviet ballistic missile defense research was a broad effort and covered the same areas as the SDI program. In fact, Soviet research and development on advanced technologies for defense against ballistic missiles has been much more vigorous than SDI. It is now believed that the Soviet military laser program alone employs more than 10,000 scientists and engineers.

And what does the United States have to combat this effort. Nothing. What we do have is a research program; a program that has great potential. The potential to redress the growing gap between United States and Soviet strategic defensive systems. The potential of technological advances that could affect our everyday lives.

Our ability to achieve this goal may never be realized if this body adopts the amendment offered by the Senator from Louisiana. We can continue to work toward this goal if the Senate stands by the reasonable approach taken by the Armed Services Committee. Therefore, I oppose the amendment that is now before the Senate and urge my colleagues to join with me in saving a vital defense program.

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

Mr. NUNN. Mr. President, I would just like to make a few remarks about this amendment, and I again repeat that I intend to move to table the amendment, but I do not want to cut off the Senator from Louisiana, I do not intend to cut him off and will not cut him off. I hope though, if his side is ready to vote, we could get the other side ready to vote and go ahead and have a tabling motion because if we do not table the Johnston amendment, assuming it is adopted, then it would be my intent to further divide the amendment and to vote on each one of the add-backs.

They are each important. I oppose some of them, and some of them, if the money is available, I would support. I do not know about the whole committee.

I think everybody ought to understand the implication of what is happening tonight. I just received word that the House has now zeroed out the Midgetman missile. Yesterday they took out the mobile basing mode for the MX missile. So we are watching the strategic program of the administration unwind step by step on the floor of the House. I hope we do not do that here.

We are in the middle of arms control in Geneva. We have some very important considerations. For the first time in probably the lifetime of most of us we have a chance to really do some-

thing stabilizing in the nuclear field. We have a chance to arrive at an arms control agreement that can emphasize the survivability of both sides in terms of the ability to survive a first strike. We have the ability to do that by making our missiles mobile. We have the ability to do that by having a sensible position on defenses.

I am not going to get into the whole argument about what the sensible position is, but everyone knows here I do not agree with some of the positions that were taken by the previous administration regarding SDI. I do not view it as an umbrella covering the planet or the United States or a perfect defense that will allow us to march off to the millennium and abolish all nuclear weapons. I am not one of those type SDI supporters, and I certainly did not agree with President Reagan's description of it. But it is important that we not emasculate this program. I think we can debate a long time about the program and we can talk a long time about what is wrong with it. I could join in and actually agree with a number of points the Senator from Louisiana makes. He makes some good points.

The SDI program has changed three or four times in the last 2 years. There is very little conceptual thinking about where the program is going to wind up after START if we get a START treaty. I think all of us recognize that defenses and offenses have to play into the offensive-defensive scenario before anyone is going to conclude arms control. We have to know where we are going to go with defenses because it changes the offensive equation. We have known that for a long time.

I am not going to get into a prolonged debate on SDI this evening. Suffice it to say, if the Senate does not come out of this deliberation on this bill with a reasonable budget on SDI and with a reasonable budget on the Midgetman missile and with a reasonable budget on the MX basing mode and with a reasonable budget on the B-2 bomber and with a reasonable budget on the Trident submarine, then we are going to be going to conference with a hopeless situation. That is the bottom line. The only chance we have of coming out of conference with a reasonable bill, and therefore a continuation of our honest efforts at the arms control table, which are within, I believe, at least years of paying off, if not months, is to hold this bill together.

It does not have to be held together with every iota, every dollar. I do not make that argument. But the program has been carefully put together with SDI, with the Midgetman missile, with the mobile basing mode on the MX, with the B-2, and the Trident submarine. We have a reasonable program in our bill. It has been thought through. Now, are we going to unwind that tonight, and then go to conference to try to deal with the situation now coming out of the House? I do not want to use too many adjectives to describe what the House has done, but it is not rational. The fact is that the irrational position seems to have prevailed on every vote. Coalitions are shifting. But they are not coming out with a rational position.

I think we are in a situation where we could do very, very grave harm to everything that not only the Bush administration has been seeking in terms of arms control and greater stability but everything the Reagan administration was and what the Carter administration was seeking and what the Ford administration was seeking and even the Nixon administration was seeking. This is is not a 2-year quest. This is a 30-year quest.

I just want to make one other point and then I will yield because I would like to move to table in a very short period or time, again giving the Senator from Louisiana the time he needs. I do not want to cut him off.

Mr. President, if this amendment passes the Senate, we are then going to start down the list of the add-backs. The Senator from Louisiana proposes that we add back the V-22 production money. Now, the committee has the V-22 R&D money in the bill. We want to complete the test programs. It may very well pay big dividends in the future. Many people believe it will. But we do not believe we ought to go into production until we have tested the aircraft, until we know it has a broader mission.

Anyone who thinks they are voting to save money by cutting this SDI budget, you better think about the implications of the add-backs because the V-22 is a $26 billion program. You also have in the add-backs the RF-16, and I may support that at some point, but I do not want to support it at 8:20 at night when nobody has really considered it. That is a $2- or $3-billion program.

So those two programs alone are about $30 billion. You are going to cut $500 million out of SDI and you are implicitly, if you are going to vote for the Johnston amendment on both parts, going to add back a long-term commitment, an implicit commitment of $30 billion. Anybody who thinks that is the way to get the defense budget down has done some strange arithmetic.

I am not saying the V-22 is a bad program. I am saying that we examined it in our committee and we did not believe that we were ready to make the production decision. We examined the RF-16. We did not believe, nor did Secretary Cheney, that we were ready to make a $2- or $3-billion commitment.

So anyone who thinks this vote is a simple vote where you can save $500 million for the taxpayers of America had better examine the implications. You are talking about an implied commitment, if the add-backs are agreed to, and probably more than implied because you are starting a new production line on the V-22 of $30 billion. That is approximately 60 times the amount of savings in the Johnston amendment.

We may end up not voting for the V-22. We are going to examine—thanks to the Senator from Arkansas, and I think that was a service to the Senate—them one at a time.

But I hope people will seriously consider what we are doing from the point of view of our strategic situation, our arms control position, from the point of view of what the House of Representatives has done, and also from the point of view of the implications for greater stability.

I do not believe it is the time to make this decision tonight. We all know that when you go to conference and you have a big difference on money, normally after all the debate, and all the various deliberations, you end up coming very close to a 50-50 split. If the Johnston amendment is adopted, the SDI program coming out of conference will be less than last year's. Is this the time to cut the overall spending on SDI below last year's level? If the Johnston amendment fails, based on the rough estimate of the 50-50 split, we will come out very close to where it was last year. Perhaps the Senate would have to have a 55-45 split to make it about break even.

So the best this program is going to do coming out of conference, as everybody knows who can add and divide, is about what it was last year if we leave this bill alone. You are going to end up with an SDI program that is constant funding approximately. That is my prediction. That depends on the conference.

If you want to cut SDI below last year, vote for the Johnston amendment. That is what it does. If you want an implicit commitment for $30 billion, then vote for these add-backs just as they have been proposed. Then go home and tell everybody you saved them $500 million but you had better add to it, "Oops, folks, there is a little caveat there. We are going to have over the next 5 to 10 years an additional $30 billion because we started two major new programs."

That is what is at stake here. This is a very, very important amendment. The Senator from Louisiana has done, I think, an outstanding job of presenting the problems with SDI. He does not get a whole lot of argument with me on those because they are problems. It has not been managed well.

They do not have very much of a concept in mind. That concept is continually changed. But one thing I think everybody agrees with is that it does have a value in terms of our negotiating position.

I believe that value is significant. That does not mean I think we ought to spend $6 billion a year on it, but it means we should not be below last year's funding when all of this is over.

Mr. President, I would not cut anyone off now. I see people who might want to speak. I will say to my friend from Virginia, before I yield the floor, it would be my intent to either yield to him for a tabling motion or to move to table myself. I do not want to do it until Senator JOHNSTON is ready on his side and until the Senator from Virginia says he is ready.

Mr. WARNER. Mr. President, I appreciate that. I very much appreciate that; if we could have the understanding before any motion to table is made that I would have an opportunity to have the floor.

Mr. JOHNSTON. Will the Senator yield?

Mr. NUNN. I cannot control who has the floor. I would certainly talk to the Senator before I made a motion to table. That is all I can comment on.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I wonder if we could get a unanimous-consent agreement here and give everybody time who must have a short period of time, and let us vote on this thing. SDI comes up every year. We debate it at great length. I think I, for one, would like to see this debate come to an end after having had it for over 8 hours.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are working to accommodate not only the Senator from Louisiana but the Senate as a whole to determine when this vote will take place, and I think shortly we can perhaps indicate a unanimous-consent possibility. But I ask for forbearance to allow other Senators who seek to speak to this important issue to do so.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment proposed by the distinguished Senator from Louisiana.

Mr. President, I am a strong supporter of SDI; I regret the $300 million reduction that the Armed Services Committee has already made in the SDI Program. To further reduce the President's request by $500 million, as proposed by my friend from Louisiana, will significantly degrade our ability to maintain an essential balance of research and remain on track to provide strategic defense strategy options for the 1990's.

The issue before the Senate with regard to the level of funding of SDI is whether we are to protect the options for deployment of militarily significant defenses in the 1990's. I believe that we should not eliminate the possibility of deployment of defenses for our country by reducing SDI to a technology-only effort.

Mr. President, I believe that President Bush has presented us with a reasonable budget request and that the Armed Services Committee has carefully considered the program to arrive at its current funding level of $4.3 billion. To further cut the funding without fully considering the implications would not only seriously impact on the SDI Program, but also undermine our negotiators in arms control dealing with the Soviet Union.

Mr. President, I urge my colleagues to vote against the Johnston amendment.

Mr. President, in 1985, I was 1 of 8 Senators who went to the Soviet Union, and while there, we conferred with Mr. Gorbachev. The distinguished chairman of the Armed Services Committee was 1 of those 8; the distinguished Senator from Virginia, Mr. WARNER, the ranking member of Armed Services Committee, was 1 of those 8; the distinguished majority leader, was 1 of those 8; and Mr. Pell and some others were on that trip.

We were amazed that Mr. Gorbachev gave us 3½ hours. I do not know why he did it except this: He was trying to convince us that SDI was the wrong way to go. He did not come out and tell us to come back and tell Mr. Reagan to eliminate SDI, but that was the essence of it.

Mr. Gorbachev was concerned about SDI. I distinctly got that impression. I think the others did also. He did not want us to build SDI. What is SDI? SDI is not a missile that destroys property and kills people.

Mr. THURMOND. SDI is a purely defensive weapon. It's designed to knock down missiles that would destroy property and kill people. It would not hurt if all the countries had an SDI.

The meeting with Mr. Gorbachev convinced me more than ever to go forward with SDI. When I got back to Washington, I saw President Reagan and talked with him. I told him "Hold on to SDI." SDI is the key. I am glad he has done that.

Now, the effort here is to cut SDI. Why cut SDI? The administration and the Defense Department asked for $4.6 billion. The committee cut it to $4.3 billion. Now the distinguished Senator from Louisiana wants to cut it $549 million more.

Mr. President, this would be a serious mistake because when we go to joint conference, we probably will cut it some more.

Mr. President, I am convinced that we should support this amendment. I am very fond of the distinguished Senator from Louisiana. He is a good friend of mine. He is on the wrong track here. It would be a great mistake to cut SDI. I hope the Senate will not see fit to do that.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will not be long because I know we want to get to a vote. I rise very reluctantly to make my remarks, because I am disagreeing with some of the members of our Senate Armed Services Committee.

I rise to support the amendment by Senator JOHNSTON, even though I come to this decision as a long-time supporter of SDI. Mr. President, we have all taken great pride in saying this is a year of tough choices. We admire Secretary of Defense Cheney for tough choices; tough choices are not easy. I compliment him for making those choices, even though I do not agree with all of them. Now it is our turn to make tough choices because we, under our system of government, are the second opinion in those matters that have been decided at the Pentagon.

We are the second opinion on whether this money can be better spent elsewhere. We are allocating very scarce defense dollars this year. I do not want to see research cut.

SDI has gone through three phases to date. First, it was to be an astrodome that was going to protect everything in the United States. Then they shifted from that concept and went to a phase I space-based interceptor. That lasted for a little while, and now we are off on "Brilliant Pebbles." Starting from the astrodome concept days, I started my own investigation, going out to the laboratories at least once a year to get opinions from the scientists engaged in the research, as to what would work and what would not, and what length of time it would take to do the basic research necessary to make any concept of SDI really work.

Former SDI Director, Gen. Jim Abrahamson, whom all of us know and admire, was one of the more eloquent spokesmen on any technical subject. We admired him greatly. In those days he said that unless we had all the elements of SDI ready to go together, it did not pay to deploy any of this whole system.

In those days, he talked about making laser breakthroughs, neutral particle beam breakthroughs, and

computer breakthroughs. Those three items were necessary before we could consider a truly effective SDI system.

Now, I went to our national weapons labs, Los Alamos, Lawrence Livermore, Sandia, Cal Tech, Stanford, and some other places, at least yearly. To this day they will tell you, if you are talking about an SDI system that includes lasers and neutral particle beams and computers, that we are still 10 years away from knowing enough to make that decision, more probably 15 years, and some will say we will be lucky if we do it in that length of time.

The research on SDI is valuable. It may have other applications. I have supported the research completely. We have gone through these three different phases, and along with phase 1 came the effort to start efforts to deploy a partial system, and that is where we got off base. I opposed that. The people that were working on the program told us at that time, and they made no bones about it, that that was an attempt to get some hardware cut to lock in the whole system. So it became something other than just a research program that would give us the option sometime of going ahead with a more complete SDI system.

I was interested in reading the paper a couple of days ago. The Vice President was up here on the Hill trying to generate support for this program. I read in the paper—and I hope he was quoted accurately—as saying that if we cut to the House level of 3.1, that would mean we could not do any more than just research, that it would cut out any consideration of deployment.

Well, I submit that that would mean—if the Vice President's figures were correct—we can cut a considerable amount here without really getting into the research end that, I think, is important.

I hasten to add this: I am against cutting to 3.1. I want it to stay at around the 4 level, or a little bit plus. What Senator JOHNSTON has proposed is last years budget which permits a good research effort, plus inflation. It is not a butchering of the program. Maybe it cuts a little lower than I would prefer to cut—and it does, I will say that—but that is my own difficulty with making tough choices this year. That means to me that I can make a tough choice here and say, that we cut a little more than I would really prefer, but we can put it in some other defense program.

I do not want to go clear down to the House's 3.1 level. But we need to make some judgments while we are making our tough choices. We need a balance, and what have we already done? In the strategic account we have $4.5 million for the B-2. We have $4 billion for the Trident II. We have $1 billion for MX rail garrison. We have an advanced cruise missile, and we cannot talk about the cost, but it is very expensive. Sram II, $300 million. These are items in the strategic account. So we have not ignored that strategic account.

When you get over into the conventional account where we have talked about having a deficit and a deficiency and being able to do the things we need to do in a conventional warfare situation, we have undercut too much. So that is where I have to make my own tough decisions to match the Secretary of Defense and do what I think has to be done, to provide our second opinion on what the Secretary of Defense has submitted to us.

Now, my concerns on the conventional are the V-22 Osprey, re-engining the KC-135, and some of the other programs that will be debated on this floor. The Secretary of Defense said we cannot afford $20 billion for the marine ship-to-shore movement. I agree with him on that, if that was the only use of the Osprey. I will have a more lengthy speech on the Osprey later. If somebody said, "We will give you a helicopter that could go twice as far, twice as fast, and carry more payload, whether military, ship to shore, land to land," we would be falling all over to support that. That is the program we developed for 9 years, and now it has come to fruition. They proposed terminating the V-22, not even letting the testing be completed on that aircraft. That is ludicrous, I think. I support that program. I will be giving more remarks on that issue later on.

Mr. President, I do not want to belabor this any further. Obviously, this is a tough decision for me. I do not like to see SDI cut back quite as low as we are going, but I have to make a tough choice. If the option is cutting to that level, which will let the SDI Program do its research—I repeat, will let the SDIO do its research, and not try to deploy a system of any kind that is too early, we can have money for other things that I think are more important than that little extra bit on SDI.

I support Senator JOHNSTON, and I hope my colleagues will join me in supporting his efforts, and we will have debate on some of these other issues. It does not kill SDI, nothing like that whatsoever. It permits SDI to go at last year's funding, plus inflation. In other words, we are not expanding the program or cutting the hardware for deployment. That is what Senator JOHNSTON is trying to prevent and to use those hard-to-get defense dollars this year to fund other programs that will have a better impact on national security.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Will the Senator yield to Senator DOMENICI?

Mr. GLENN. I yield the floor.

Mr. DOMENICI. Mr. President.

Mr. WILSON. Mr. President, I would like to ask my friend from Ohio a question on his time or mine, if I have the floor.

Mr. GLENN. Whoever gets the floor, gets it. I have yielded the floor.

The PRESIDING OFFICER. Does the Senator from Ohio yield for a question from the Senator from California, because I want to recognize the Senator from New Mexico.

Mr. GLENN. The Senator from Ohio yielded the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I can assure the manager that I will be brief. I am not on the committee of jurisdiction, while I have worked a bit on SDI. My State has a little more than average to do with it; we have two of the laboratories that have been mentioned here tonight as playing a major role are in my State. One of the major laser facilities, if it is constructed, would be built at White Sands Missile Range in New Mexico.

But I do not choose to talk about the substantive issue tonight since I think those who have worked on it far longer than I and are far more knowledgeable than I have spoken to it. I listened attentively to the chairman of the committee. I think what he said essentially is correct.

SDI is not all the things it has been cooked up to be and all the things it has been spoken about in terms of its potential.

Nonetheless, I would like to tell the Senate just another version of why I think we ought not to gut SDI.

If you look around the world and ask people who are knowledgeable and informed about the United States, the one thing they will tell you we are superior at and that they are frightened about is our scientific prowess. If we fail in the economic world, it is not because of science; it is from something else. Even Japan, which causes us to tremble when we speak of their productivity and economic prowess, fears America's basic science capability.

If there is anything in the world that is significant that we are still substantially ahead in, it is science and the application of cutting-edge science.

Mr. President, that is a truism. There is no doubt about it.

If the Soviets are worried about SDI, it has to be because they are worried about our great scientific and engineering potential. That is why. They are not exactly sure what it will yield.

But, Mr. President, I say to my fellow Senators, they are certain that it will be something on the cutting edge in one of the most vital areas of defense that many has ever even considered. Since we have the missiles, obviously we ought to consider the most significant science and applied tech-

nology, a defense to it, albeit partial or experimental.

Mr. President, it seems to this Senator that if there is anything that will keep America in the esteem of those who are wondering where we are going, what are we about, are we really prepared to go the limit to protect ourselves and to defend ourselves, it is a sustained effort in a field as vital as this where we call upon the best science, the best brain power, the best technology appliers and ask them to apply it to the most challenging endeavor in military hardware and military technology in all of mankind's history.

What is the matter with that? Why should not the United States do that?

If one had to go through the evolution of this program, certainly Senator JOHNSTON's early concerns about its mission, we are trying to do too many things, much of that is narrowed down and while there may be some controversy, obviously, as the distinguished chairman of the committee and others have said, we do not want to go backward. We have begun to consolidate and focus and there are some clear objectives.

Do we want really SDI to get funded less than last year while America is making strides in cutting-edge technology and the world is? I do not think so.

That is why I believe we ought to support this program at least to the level that the Armed Services Committee recommended and hope we can keep together a research and development program that is up to America's prowess and up to the challenge of a strategic defense initiative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I had one of America's better pollsters in my office this afternoon, and we were discussing what is going on in the minds of the American people about our political system and our economy, and so on. Everybody divides up between Republican and Democratic pollsters. This was a Democratic pollster.

He said, "You know the problem with the Democrats is still the perception that they are soft on crime, and weak on defense."

Nixon could open up China. Nobody would think anything about it. He could enter into an agreement with the Soviet Union on SALT and yet virtually everybody on the other side of the aisle enlisted and they all supported it.

President Bush could execute a START agreement, and I promise you it will probably pass here 90 to 10.

But the thing that the pollster told me I found most interesting is, "You know the Japanese and the Europeans see strength entirely differently than the way we do in this country. The Japanese and the Europeans see strength in the economy, in the vibrancy of their industries, of their employment-unemployment rate, whether or not they are meeting their budget and paying as they go. But the United States has never made that mind change. We still see total strength in this country in how many planes, tanks, guns, SDI, MX's, and Midgetmen we have."

Mr. President, I come down somewhere in the middle. You see, when I say we ought to be talking with the Soviet Union seriously about stopping the maddening arms race and not carrying it into space, I have never suggested that we be naive, that we let our guard down, that we make any really massive cuts in defense spending until these things are an accomplished fact.

Secretary Baker testified before the Defense Appropriations Committee—and incidentally, he has changed quite a bit since then—and he said, "Senator, this is no time to be going headlong and making concessions to the Soviet Union on economics or defense."

I said, "Now, Mr. Secretary, did you hear me say, 'headlong'? I didn't suggest that we go headlong into anything. All I said is we have been waiting for 70 years for the old Bolsheviks to die out and somebody to come up in the Soviet Union that we could talk sense with."

There is a person there now, Mr. Gorbachev, and every time he makes a proposal all you can hear out of the Pentagon and the White House is "Well, Gorbachev may not survive; he may not be there a year from now. We have to keep our guard up."

Nobody on this side of the aisle that I know has even suggested not keeping our guard up. Nobody on this side is suggesting that we unilaterally disarm, unless it is Geroge Bush, incidentally, who has cut $8 billion out of SDI over the next 5 years.

Mr. President, there has been not one single argument that changed my mind, and I have sat here all evening waiting to relieve myself of this in the certain knowledge that I am not going to change one vote, but also in the absolute necessity that I relieve myself of my ideas on this amendment.

I want to first of all read to you what the Joint Chiefs of Staff say. Who do we depend on in this country for military advice—the top military advisers. That is the Joint Chiefs of staff headed up by Admiral Crowe, who is the Chairman. And here is the New York Times, Thursday, June 1.

I was in Geneva with the arms control observer group at about the time this story appeared in the New York Times. Later on it was suggested that it was a big leak and that it was not accurate, and so on. You judge for yourself, but in any event I will not read the whole article but, Mr. President, I ask unanimous consent that the article be printed in the RECORD after I recite these quotes.

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

(See exhibit 1.)

Mr. BUMPERS. They are:

Representatives of the chiefs have reportedly argued that the Soviet Union might be in a better position to deploy new anti-missile defenses than the United States. They have also urged restraint on spending for "Star Wars," officially known as the Strategic Defense Initiative.

In advocating a change in the American stance, the Joint Chiefs have said that the United States should no longer insist on an explicit right eventually to deploy extensive anti-missile defenses.

The chiefs' recommendation follows other moves that indicate that the top military leaders are skeptical about "Star Wars" and wary of steps that might lead to abandoning the ABM treaty.

In April, the chiefs recommended a much lower level of appropriations for the Star Wars program than was advocated by civilian Defense Department officials. The chiefs advised proceeding with research and testing while avoiding any commitment to deployment.

So sayeth the top military advisers in this country.

EXHIBIT 1

[From the New York Times, June 1, 1989]

JOINT CHIEFS URGE U.S. RESTRAINT ON "STAR WARS" IN STRATEGIC TALKS

(By Michael R. Gordon)

WASHINGTON, May 31.—Recommending an important change in the American position in the Geneva talks on strategic arms, the Joint Chiefs of Staff have proposed that the United States no longer insist on the right to eventually deploy extensive anti-missile defenses.

The position taken by the Joint Chiefs is a fresh indication that top United States military leaders are skeptical about the prospects of the "Star Wars" program begun in the Reagan Administration.

Representatives of the chiefs have reportedly argued that the Soviet Union might be in a better position to deploy new anti-missile defenses than the United States. They have also urged restraint on spending for "Star Wars," officially known as the Strategic Defense Initiative.

The chiefs' recommendation was made during the Administration's review of strategic arms issues, which began shortly after President Bush took office and is continuing. The Geneva arms talks, which cover long-range nuclear arms and anti-missile systems, are scheduled to resume on June 19.

The Joint Chiefs' advice is at odds with positions taken by civilian Defense Department officials, who strongly support "Star Wars" defenses, and by others in the Bush Administration, including State Department officials.

Reportedly, no decision has been made. President Bush said in a recent speech that the United States should deploy anti-missile defenses as soon as they are ready.

At issue is whether to affirm President Reagan's three-part negotiating position on anti-missile systems.

Under President Reagan's approach, Washington and Moscow would agree not to exercise their rights to withdraw from the 1972 Anti-Ballistic-Missile Treaty through 1994. The ABM treaty allows each side to withdraw from the agreement on six months' notice if "extraordinary events" jeopardize its "supreme interests."

REAGAN WOULD ALLOW ABM'S

The two sides would have the right to carry out extensive anti-missile testing under the Reagan Administration's "broad" interpretation of the ABM treaty. After the period of non-withdrawal expires, each side would have a clear right to deploy extensive anti-missile defenses, according to the third plank of the Reagan Administration's approach.

Moscow has argued for a somewhat longer period of non-withdrawal from the ABM pact and tighter testing constraints during that period. Moscow also rejected the idea of codifying a right to deploy "Star Wars" defenses.

In advocating a change in the American stance, the Joint Chiefs have said that the United States should no longer insist on an explicit right eventually to deploy extensive anti-missile defenses.

Under the chiefs' approach, once the period of non-withdrawal expired the two sides would continue to observe the ABM treaty. Each side could later withdraw from that agreement on six months' notice if it decides that its "supreme interests" have been jeopardized.

The chiefs' recommendation follows other moves that indicate that the top military leaders are skeptical about "Star Wars" and wary of steps that might lead to abandoning the ABM treaty.

In April, the chiefs recommended a much lower level of appropriations for the Star Wars program than was advocated by civilian Defense Department officials. The chiefs advised proceeding with research and testing while avoiding any commitment to deployment.

An Administration official said that the latest recommendation also reflects a concern that political objections on Capitol Hill as well as technological obstacles may further delay the "Star Wars" program.

"There is a concern that we won't be ready to deploy and that the Russians will be able to move forward with more ground-based defenses," said the official, who is familiar with the Joint Chiefs' stance.

Mr. BUMPERS. Maybe that is one of the reasons George Bush said he wants $8 billion cut out of SDI over the next 5 years.

I heard the Senator from New Mexico and I heard one or two other Senators say, "If the Soviets are so afraid of this, it must be good for us." That is essentially the argument.

Well, I do not know that today the Soviets are all that afraid of us. They tell us in Geneva—and I have seen it in the New York Times; this certainly is not classified—that the Soviets are saying if we will agree, in spite of that lunatic opinion by Judge Sofaer, the so-called broad interpretation of the ABM Treaty, in spite of that, the Soviets are saying, "If you will not deploy before 1994, 1995, or 1996, in that time zone, you go right ahead. And after that the ABM Treaty still provides for 6 months' notice. So you just tell us that you will not be deploying any SDI before 1995"—6 years from now—"and then we will be on all fours, and if you want to abrogate the treaty then, you just give us 6 months' notice according to the treaty itself."

Now does that sound like somebody that is terrified of SDI?

The Senator from Georgia a while ago—I was off the floor but I happened to be watching the television set—the Senator from Georgia made what I thought was a very cogent point: The B-2, the mission for the B-2, keeps shifting. And the kind of technology we are going to use on SDI keeps shifting.

I dare anybody on the floor of the U.S. Senate, any one of the 100 Senators, to tell this body the technology we are going to use on SDI. It has changed, counting "Brilliant Pebbles," at least three times and maybe more. On the B-2, they say, "No, the B-2 really is not going to penetrate and hit those targets that we could not find otherwise, but it would be good to bomb Libya with." Twenty-four billion dollars on that program and now we are saying it might make a good bomber to bomb Third World nations.

Seventeen billion dollars on SDI spent so far and the proponents of SDI now come in and say, "Brilliant Pebbles" is a magnificent concept and looks vey promising." Out of the $17 billion, I say to the Senator, do you know how much has been spent on "Brilliant Pebbles?" Less than 1 percent—less than 1 percent.

And originally, we were told—do you remember the ads on television, the cartoon with the little girl?

My Daddy is so smart. He says that the President says that we are going to put an umbrella over the country so those old Russian warheads won't hit us. My daddy says that is a good idea and my daddy is so smart.

You all saw those cartoons; I hope you did. And at that time the little girl was suggesting we had a 100-percent defense just right on our fingertips.

Then the defense people came over and said, "No, it is just 90 percent." Do you know what it is now? Fifty percent and, according to some, 10 percent.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. BUMPERS. I am happy to yield.

Mr. JOHNSTON. The requirements of the Joint Chiefs of Staff for phase 1, which is all we are talking about, is 16 percent.

Mr. BUMPERS. Sixteen percent. I am glad the Senator pointed that out, because I was not aware of that.

But the thing that absolutely eludes me—and I know I have not taken leave of my senses, I have a certain degree of common sense—the thing that eludes me is why are we going to spend $70 billion to $1 trillion for some kind of antimissile defense system that will protect us against 16 percent of the warheads that might be sent at us?

Now, bear in mind that is only 16 percent of those warheads which go out of the atmosphere, the so-called ballistic missile warheads. That does not include missiles from bombers against which SDI is totally ineffective. That does not include clandestinely introduced warheads into this country. And if we cannot intercept a boatload of marijuana, I do not have any reason to believe the Soviets could not plant one at the base of the Washington Monument if they wanted to.

And they are not effective against cruise missiles. If they are not effective against cruise missiles and bombers, which is the leg of the triad that both the United States and the Soviet Union are spending most of their strategic money on now, why?

I have always opposed this idea because it is destabilizing. We make much of the fact that we can spend $70 billion on the B-2 and force the Soviet Union to spend $350 billion on air defense systems. And yet nobody ever makes that odious comparison on SDI.

We may spend a trillion dollars building SDI and I promise you the Soviets can overwhelm it for between one-fourth and a half or maybe less. It works the same way on that, but that argument just happens to work against SDI, so nobody ever mentions it.

On cruise missiles, I thought the Senator from New York, Mr. MOYNIHAN, made a great statement some time back. He said, "You know, all missiles do not come in from outer space. Some of them come in under the Brooklyn Bridge." And this SDI system is absolutely worthless against one of the most sophisticated weapons of the century, and that is the cruise missile.

Now, I have to be candid with everybody. In the interest of political candor, I will tell you that I may vote against every one of the add-ons. I think we ought to save the money. As the Senator from Georgia said, "Don't deceive yourself into thinking you are a fiscal conservative by voting for the amendment but for the add-ons." That is a zero-sum gain.

Here is what Carlucci said on December 21, 1988. This is from the Hearst News Service.

The United States is not going to be able to deploy this thing before the year 2000.

And he says:

The system would be capable of intercepting 50 percent of the inbound warheads from SS-18 missiles and 30 percent of the warheads from subsequent missiles.

Now, I say to the Senator, he tells me that that is down now to 16 to 17 percent. Let us assume that we had a START agreement and the Soviet Union and the United States agreed,

as they are talking about doing, to reducing the number of warheads on each side to 6,000. I do not have a pocket calculator. One of you staff members figure that out.

Sixteen percent of 6,000 warheads would be intercepted, according to the best calculations today. If we go forward with some kind of technology here which nobody yet understands, but say 16 percent, that means 5,000 warheads are going to get through. And they say, "Yes, but this will cause the Soviets to rethink their planning." Well, if I were a Soviet planner and I had 6,000 warheads to fire at the United States and I knew 5,000 of them were going to get through, I do not know whether I would change my thinking or not. That is enough to give you a bad headache, 5,000 warheads.

You know what Carl Sagan says: "One hundred, Senator, is enough to set off the nuclear winter."

Who is going to win a war when 5,000 warheads hit the United States and 5,000 hit the Soviet Union. Sometimes I think I am in a loony bin.

I just want to say—and the Senator from Georgia is getting antsy to table this amendment; he may get it tabled—but I want to say that I believe what General Scowcroft and the Joint Chiefs say.

There is one other point I want to make. I have not heard one Senator tonight say why they need all this money. The Senator from Louisiana—and I am happy to cosponsor the amendment. I grudgingly cosponsored it because he put money back in these other things. As I say, I do not know how many of those I am going to vote for.

But I want to ask you: Why does not somebody around here occasionally make the point why do they need $4.5 billion?

Everybody says, "Well, they got $4 billion last year, they sought to get $4.5 billion this year, and they only got $3.5 the year before that. What are they doing with the money?" Not one single Senator during the debate here tonight has made the argument that they cannot go forward.

I am going to tell my colleagues something. I have never suggested that we not go forward with research and development. I think the Senator from Georgia has made the point a number of times, I am not sure how this would work. But, if it has any legitimacy at all, it is that it could possibly be used in case of an accidental launch. But you do not need a $1 trillion system for that.

So, why do they need all the extra money? The House of Representatives, who are supposed to be closer to the people than we are, have said they do not need it all; $3.1 billion. As W.C. Fields said, "That ain't beanbag." What are they doing with it? Who has made the case that they have to have $5 billion? Or even the figure that the committee reached, the $4.5 billion?

Mr. President, I am going to close by saying something that might change one vote and it might not. It is my personal belief, after talking to a pollster this afternoon. He told me what the problems of the Democratic Party are in this country and what we ought to be doing and how the Republicans can vote to cut SDI, but Democrats cannot. They can vote for all kinds of things. We cannot vote for crime legislation and it be perceived as us really being tough on crime.

I do not know why that is. Maybe we brought all this on ourselves. This is not a political debate, but I do want to say this. Sometimes I think this place is absolutely frozen with fear of the 30-second television spot.

It has gotten to where we never vote here. This afternoon, on catastrophic illness, we could just see the wheels turning. Every Senator here thinking, "If I vote for that budget waiver, I can see a 30-second spot next summer saying: 'Senator Jones voted to tax you $810 for that catastrophic illness bill.'"

Those of us who voted "no" are sitting here thinking: How are we going to defend that? How are we going to combat that?

So we have two schools of thought here. Those who are trying to figure out how they are going to stick it to somebody else in a 30-second spot and the rest thinking how we are going to defend ourselves against a 30-second spot.

I am not soft on defense and I am not soft on crime, and I am not soft on anything else. I am a pragmatist. I am a realist. I can tell my colleagues I believe in the combination of a strong economy and a strong defense. But I can tell them one thing, at the rate we are going with a $100 billion to $150 billion budget deficit staring us in the face every year as far as the eye can see, we are not going to make this country strong by continuing to buy everything that we can possibly think of to buy and with absolutely no thought of how it is going to be paid for.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, it is my intention to move to table on behalf of myself and Senator WARNER from Virginia.

Mr. GRAMM. Mr. President, would the distinguished Senator yield? I will try to be brief in my remarks but I have waited through five speakers here.

Mr. NUNN. Could the Senator from Texas put a question mark at the end so I could yield to a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to a question?

Mr. GRAMM. If I might just ask unanimous consent that I have 5 minutes?

Mr. NUNN. Mr. President, I would ask unanimous consent the Senator from Texas have 5 minutes. I would ask unanimous consent the Senator from Louisiana have 4 minutes. The Senator from Virginia?

Mr. WARNER. Mr. President, I would be happy to yield the time that the chairman and I agreed upon to the Senator from Texas, so that would take care of this Senator's requirements.

The PRESIDING OFFICER. What is the unanimous-consent request?

Mr. NUNN. I ask unanimous consent the Senator from Texas have 5 minutes, the Senator from Louisiana have 4 minutes to conclude, and at that stage, I would regain the floor and be recognized. Mr. President, that is the only request I make.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, I guess one thing the new budget reality has brought to the Senate, which I rejoice in even when it cuts against the things that each of us would do, is it has brought the necessity that we choose. The distinguished Senator from Louisiana propounded, initially, an amendment that put me in a very difficult position and that was an amendment that would fund the V-22, a system that I strongly believe in, a system that is also built in my State, and would fund it by cutting SDI.

The rub came that it cut SDI by $550 million, while it put only $157 million into a program that I strong support. And let me make it clear, Mr. President, if the motion on the floor now was to cut SDI, even though I support SDI, by enough money to assure that we build a revolutionary aircraft which I believe is needed for the military and which I believe is needed for the civilian sector of the economy and will mean jobs, growth, and opportunity for our people in the future, I would vote for that amendment.

But, Mr. President, where we are now is we have an amendment before us that cuts SDI by $558 million and it does not fund any other single program if this cut is passed. We will then vote on a series of add-ons. Any substitute would be in order for any one of those add-ons. So I have no guarantee. If I vote to cut SDI by $558 million, I have no guarantee that one penny of that is going to V-22.

In addition, I have $205 million of SDI projects in Texas.

So, Mr. President, when we vote on funding the V-22, given the level of funding of over $4 billion for SDI, I am willing to take a $150-odd million

cut to keep that important program, the V-22 alive. But I am not willing to cut SDI by $558 million with no guarantee as to where that money is going.

I submit to our colleague from Louisiana, that such an amendment can be crafted. We can offer an amendment to take the $157 million and give it to the V-22 and I would support such an amendment. But I do not support this amendment, having no guarantee as to where the money is going to go or where the money from SDI is going to be taken.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, very briefly to sum up, we have heard some of the same old arguments here; some a little new. All of them can be knocked down.

First we are told that the program is now focused so therefore we ought to fund it. The exact opposite is true.

Mr. President, here is the SDI's own words: "The SDI FY '90 budget is tentative depending on, A, architectural studies and, B, internal program reviews."

They have not settled on a technology. They do not know whether it is brilliant pebbles or whether it is something else. All they know is they want more money and they cannot identify what it is to be spent for.

Point two. We are told that this additional money is necessary for two things, first, arms control. We hear arms control every year, Mr. President, but is it not interesting that this administration has told the Soviet Union that they want to go too fast on cuts on strategic arms; that first we want to get progress on conventional arms. And yet we want to spend money for this bargaining chip for strategic arms. It simply does not make sense.

We are told we ought to spend this money because, first the Soviets are ahead in SDI, and second, that they are afraid of SDI.

Mr. President, I think they are neither. What they are afraid of, what we ought to be afraid of, is spending ourselves mutually into second-class citizenship.

Finally, Mr. President, we are told that we need this money for conference. Interestingly, of those who seem to know the most about this SDI technology, the Senator from Georgia and the Senator from Nebraska, the Senator from Nebraska actually says that my figure is correct and the Senator from Georgia says our arguments are, for the most part correct.

What they say, though, is we need more money so we can come down to your figure in conference.

Mr. President, in conference, the conference, on the part of the Senate, are not required to split the difference. It is certainly not always done. It is sometimes done. It need not necessarily be done, but I would say if you want the kind of protection in conference on these other systems, like V-22, like KC-135R's, most of those things we got directly from the report of the Armed Services Committee. We do not dream those up out of some grab bag. They came directly from their report. They say we ought to build it.

Mr. President, we are not committing ourselves to fund all of these programs. After all, the programs that we are talking about—this is R&D on the RF-16. It is not committing us to build. DARPA is all research money. The KC-135 and the Maverick are directly out of the Armed Services Committee report. I do not know what they are talking about when they say you are committing us to spend $25 billion. We are just doing what they say ought to be done for the most part in their report.

V-22, Mr. President, is the one weapon system which they say should not be terminated. I think we ought to build it. I am with the Senator from Texas. If he really wants to build the V-22, he better be for this amendment because it seems to me, otherwise, it is going down the drain.

Finally, Mr. President, what we ought to do is to hold up at last year's level plus inflation until we hear from the report that is coming in on SDI in September. They will tell us in September after the Defense Science Board makes a review of what they want and what they want it for. At least that is what they promise. At this point, Mr. President, we do not know what they want the money for, what the purpose of it is, what technology it will be applied to, and how it will be spent.

Mr. President, if you want to spend the money for programs which the Armed Services Committee says should be funded, then vote for the Johnston amendment: vote against the motion to table.

Mr. CRANSTON. Mr. President, I would like to speak in support of Senator JOHNSTON's amendment. This amendment will freeze SDI funding at last year's level—plus inflation—of $3.7 billion and transfer the savings to conventional military programs. I am strongly opposed to any increase in the price tag in the SDI program, especially at a time of persistent budget deficits—and a time when essential conventional programs are being cut. We cannot afford to let our conventional defenses deteriorate in order to fund a program whose feasibility has been deeply questioned by military and scientific experts. However, I do think it is prudent to fund modest research programs to see if there is any promise in evolving technologies—and the best way to guard against a breakthrough by the Soviets. Keeping SDI funding at last year's levels will accomplish this goal.

There are other, equally persuasive arguments for freezing the SDI funding level. The U.S. scientific community remains skeptical on the effectiveness of star wars technologies. And the SDI Program itself has been characterized by uncertainty and a lack of direction. Indeed, the program has started down yet another new path in its emphasis on the brilliant pebbles technology. Until we are presented with a coherent program which defines exactly how much money will be spent on which research projects, I intend to support only a modest program of basic research.

While I do think it is wise for us to take a hard look to see what new technology might offer, I think there are some very dangerous developments we must avoid. I am opposed to any attempts to undermine the ABM Treaty, one of our most important arms control efforts to date. Additionally, I am opposed to the testing and deployment of antisatellite weapons [Asat's]. If the United States and the Soviet Union can threaten large numbers of each other's satellites, we will be in a position to blind each other's nuclear monitoring systems at that precise moment when we most need them to avert unintended escalation—during an international crisis. That's why we need a mutual, verifiable United States-Soviet freeze on Asat testing, and it's a good example of why a verifiable freeze on all United States and Soviet nuclear testing and deployment would do more for our security than continuation of the unrestrained nuclear arms race.

In short, Senator JOHNSTON's amendment is an excellent one. It provides a level of funding sufficient to maintain research in evolving technologies. And it redirects excess funds to those necessary conventional programs that are threatened by budget cuts.

In closing, I'd like to make one additional point. We have been debating today over the changes in the level of SDI funding. We need also to recognize that there is much more at stake here than a simple cut or increase in funding can address. We need to face the fact that we are already spending an exorbitant amount of money—$4 billion—on the SDI Program. I believe it is time that we undertake a comprehensive review of what we are spending these funds on. We need to confront the possibility that the Soviets may be able to render our new systems obsolete at a fraction of our cost—it has always been less costly and technologically easier to develop offensive rather than defensive weapons. When the program is viewed in this light, I believe that we should consider more than just a freeze on SDI spending—we should seriously consider a sub-

stantial cut in SDI funds. Such a cut would not threaten a modest research program; rather, it would ensure that the funds spent would be spent wisely. And it would also ensure that programs that are vital to our national defense remain adequately funded. A cut in SDI funding, then, would benefit not only our national budget, but our national security as well.

Mr. HEFLIN. Mr. President, I rise in strong opposition to the amendment of the Senator from Louisiana which would reduce, by nearly $800 million, the funding requested by the administration for the Strategic Defense Initiative Program. This amendment would set funding for the SDI Program roughly $500 million below what the Senate Armed Services Committee has already cut from the program.

In my judgment, this amendment is ill-advised at a time when the United States is embarking upon a vigorous and comprehensive research program to analyze and design defenses that enhance the security of our Nation and our allies, provide a hedge against a Soviet breakout of the ABM Treaty, and ultimately, if feasible, provide options on whether to develop and deploy advanced defensive systems. As I have said many times before in this body, SDI represents a welcome shift in our strategic policy from one which relies upon the doctrine of mutual assured destruction for deterrence to one based upon a commitment to self-defense. The effect of this amendment would be to gut many of the existing programs now ongoing with the SDI organization, threaten critical elements of the program, and undermine the promising arms control negotiations on reduction of strategic offensive arms.

This amendment only allows the SDI Program the same level of funding as was appropriated last year, fiscal year 1989. Now Mr. President, we all know the budget situation with the SDI Program. The House yesterday severely cut the SDI Program, back to $2.8 billion for the DOD portion of the program. If this amendment passes, the program will come out of conference with much less than the level appropriated last year. In my judgment, this is a killer amendment. This amendment would literally kill the SDI Program.

Mr. President, I have no problem with where the Senator from Louisiana wants to put the money. Many of the programs are very good programs for which I would like to have more funding. My problem, Mr. President is where he wants to take the money from. I would like to fund the V-22 and other programs listed in the Senator's amendment, but not at the expense of the SDI Program which has such far-reaching promise.

Since its inception, the SDI Program has made significant technological progress and has provided strong incentives to the Soviets to enter into serious arms control talks. On March 23, 1983, when President Reagan made his historic announcement initiating the SDI Program, I was one of the first in Congress to officially congratulate him on his initiative and foresight. It was the right decision at the right time and placed us on a track of building a more balanced strategic policy which would no longer rely entirely on the threat of retaliation to assure nuclear deterrence.

Mr. President, this is no time to cripple a defense program that has shown such excellent progress and brought the Soviets back to the negotiating table. I do not believe that we can have a START Treaty in any reasonable timeframe without a strong and robust SDI Program. This amendment would send the wrong signal to the Soviets.

Regrettably, Congress has seen fit to make deep cuts in the President's SDI budget request every year since its inception. This year look particularly bleak since the request of $4.6 was a cut to begin with. The Defense Department cut the original request $1 billion before it ever came to the Congress as part of President Bush's budget. Mr. President, while I would have preferred that the request remain untouched and that the Armed Services Committee provide a level of funding closer to that required by the administration, the level of funding agreed to by the committee is, in my judgment, the minimum acceptable funding level for the SDI Program if we are to continue the intensive research already begun in many defense technologies.

If we pass this amendment, it would no longer be possible for the SDI Program to keep many of its major programs going along at the currently reduced level. This amendment will result in a funding level for fiscal year 1988 which will force even more severe cuts in major programs and the elimination of a great many others than previoulsy expected. In my judgment, this is not the time to force such far-reaching decisions—decisions which will preclude future options for defending our Nation and tie the hands of our arms control negotiators.

In particular, I am concerned that some of the ground-based elements of the SDI Program which provide us with high confidence and survivable hedge options for our future security, will be endangered by severe budget reductions. These elements can be based on securely on our own soil should the need arise, and they can preferentially defend high valued targets to preserve deterrence. It is not wise to sever the ground-based legs of a multitiered SDI concept for ultimately protecting this Nation against any nuclear missile attack, nor is it prudent to force the elimination of the more mature ground-based elements before we have perfected the longer term technologies. In my judgment, we should place greater emphasis on research in near-term ground based defensive systems. These of the most mature and should be given the highest priority by the Strategic Defense Initiative Organization.

Mr. President, SDI is making great progress in many BMD technologies, but there is much more progress yet to be made. The Soviet are making progress in SDI technology by leaps and bounds and putting a great deal more money into their system than the United States. Advances in BMD technologies and activities currently being undertaken by the Soviets are of grave concern to me and I know they are to many of my colleagues. Killing the United States SDI Program will not get the Soviets to kill theirs. They will continue and the United States will be left in the cold.

The Soviet threat is real. Because much of it is classified, I am not able to go into details in this forum. One of the objectives of SDI is to evolve with the threat to our Nation. If vital programs are further cut, delayed, or eliminated, as they most assuredly will be if this amendment passes, the program will not be able to evolve with the threat and the program will not be able to live up to that threat.

Mr. President, the continued proliferation of offensive ballistic missile forces by nonsuperpower countries hostile to the United States and our allies raises the possibility of future nuclear threats. Must keep this program going, if for no other reason, to protect our Nation from Third World countries or terrorists with nuclear missile capabilities. The accidental launch protecting system which was discussed some time ago by the Senator from Georgia, Senator NUNN, would go a long way toward this goal. It would require emphasis on ground-based element which I mentioned earlier.

Mr. President, because of budget reductions in previous years, the SDI has already made most of the premature technology cutbacks that it can handle. The SDI Program cannot proceed on schedule with vital elements of the system either missing or delayed. Therefore, I urge my colleagues to reject this disabling amendment and keep the SDI budget at the $4.5 billion level established by the Senate Armed Services Committee.

Furthermore, we must provide our conferees with the negotiating room necessary to prevent a serious budget catastrophe to the program. I am not pleased about that particular reasoning, but because of the low funding level approved by the House, we are forced to proceed into a conference in

this manner. While I realize that budget pressures are severe in the upcoming fiscal year, we simply cannot afford cutting into a defense program with such far-reaching promise.

Mr. HOLLINGS. Mr. President, I rise in opposition to the Johnston, amendment. It is the same story—repeated every year—gut the heart of SDI and literally throw the savings at programs considered undesirable by the Pentagon.

There are two major problems with this anti-SDI amendment. First, the SDI Program has been moving steadily and successfully along in its R&D phase. The American Institute of Aeronautics and Astronautics, the AIAA, this country's most respected body of technology, has recently completed a year-long study on SDI. The conclusions reached by the AIAA clearly show that much of the SDI technology of today—and tomorrow—can be developed and can be deployed—and the technologies can withstand all foreseen Soviet countermeasures to defeat them.

The Johnston amendment would cut $558 million from the SDI level approved by the Armed Services Committee. This cut—added to the $300 million cut in SDI approved in the SASC bill—means that $800 million would be cut by the amendment from the $4.8 billion level in the budget request to $4 billion. The House has already cut SDI to a level of $3.1 billion. Thus, in the likely event of a split between the House and Senate levels in conference—if the Johnston proposal passes—the SDI budget would be at a level of $3.55 billion. This would not only be a cut of $1.3 billion from the request, but it would be a cut of over $400 million to the appropriated level for fiscal year 1989. Thus, we would be moving backward on the program when all evidence says go forward.

It makes no sense to take this action. The strength in America's ability to defend itself is our technology. We have to stop kicking it around. The dumbest policy we have today is the MAD doctrine conceived by McNamara in the 1960's. This policy of mutual assured destruction [MAD] is what we should discard—not the capability to defend our missiles.

What many do not realize is that defending ourselves costs much less than building newer strategic offensive weapons. It is estimated that deployment of a phase I SDI capability would cost in the range of $50 billion to $70 billion. The B-2 program alone—the plane without a mission—will eventually cost at least $100 billion. Other strategic offensive weapons—and the troops to man and maintain them—will cost at least three times that of SDI—and probably more.

The Soviets have been building their IBM system and indeed is already in violation of the ABM Treaty. There is the Krasnoyarsk radar—also an illegal phrased array radar near Moscow. At Shary Shagan is the Soviet laser complex that may be dual capable—with both an Asat and ABM capability. We know our SDI will work because it is the one program that continually garners Gorbachev's attention. He fears it.

So we should be proceeding with our ABM capability—and with a vigorous Asat Program. But that will be an argument heard next week during debate.

In addition to the ill-advised policy of scuttling SDI, the amendment creates an additional problem by funding programs not requested by the Pentagon; namely, the V-22 Osprey, the Maverick, assorted DARPA programs, the super computer, and the RF-16 aircraft. The ultimate cost of these programs would exceed $30 billion.

Thus, while purporting to cut $558 million, the real impact of the program would be at least $30 billion at final funding of these add-backs. Defense Secretary Cheney has made a good start at controlling DOD costs—though he did not go nearly far enough. This spending spree envisioned by the Johnston amendment cannot be justified and the amendment should be rejected.

Mr. LIEBERMAN. Mr. President, the strategic defense initiative is aimed at remedying the vulnerability of our land-based missiles and our strategic communications network to Soviet attack. Even its supporters admit, however, that the program suffers from numerous problems.

Perhaps the program's most serious problem has been a lack of focus. Originally there was much discussion about new space age technologies such as particle beams and lasers, which would be able to render nuclear weapons impotent and obsolete. Interest in this comprehensive population defense receded as the practical difficulties of these exotic technologies emerged. The realization that no system could prevent devastation of our population by blocking all in-coming missiles also had a sobering effect.

Last year the SDI organization again shifted its emphasis to deploying a phase I system involving ground- and space-based sensors and rocket interceptors. Here the emphasis changed more to protecting U.S. land-based nuclear forces and less on defending cities.

This year, yet another concept is being touted—Brilliant Pebbles. Brilliant Pebbles would involve some 6,000 independent interceptors based in space called Pebbles. Each would be 3 feet long and would weigh about 100 pounds. They would supposedly destroy Soviet ICBM's by crashing into them.

Virtually all of this technology remains unproven. It would be, for example, difficult to retain control over thousands of semiautonomous weapons pebbles hurtling through space during peace time. To have them converge on thousands of warheads during a nuclear attack would be next to impossible.

The estimate price of $500,000 per Pebble is also unrealistically low, given the current prices of space-based systems. Even a simple stinger missile costs about $50,000; a Tomahawk missile costs more than $1.6 million. Unlike these relatively simple systems, a brilliant pebble must be delivered into space and be equipped with solar panels to supply power, shielding to protect against radiation from nuclear blasts, steering rockets, and a vast and complex system of supporting computers and sensors.

Finally, it is unlikely that brilliant pebbles can solve the fundamental problem that plagues all strategic defense systems: these systems can be defeated by countermeasures that cost far less money. It is relatively easy to build additional missiles to overwhelm defenses or to develop missiles that can get into space before interceptors can target them.

In the likely event that brilliant Pebbles does not prove to be feasible, we will still be left with the phase 1 system whose cost is estimated by the administration to be $69 billion in fiscal year 1989 dollars. But this is not how much Congress would actually have to appropriate. Nor does this figure take into consideration SDI's life-cycle costs. If these operations and support costs are included and if phase 1 is expressed in then-year dollars, the $69 billion becomes more like $120 to $130 billion.

SDI would also require at some point testing that would violate the ABM Treaty. Such a decision may be necessary as soon as 1992 unless, at a minimum, the program is slowed down and paced more moderately through stabilized funding support. Violating the treaty would be a mistake in light of the stability that it has brought to the United States-Soviet strategic nuclear balance.

The stability of the U.S. strategic triad calls into question an ambitious SDI Program. The United States has approximately 12,000 warheads on missiles, bombers and submarines. Despite the vulnerability of our land-based missiles, the magnitude and relative security of the United States submarine forces ensures that a Soviet attack is highly unlikely.

These reservations—technological feasibility, cost, the ABM Treaty, and questionable mission—appear to have had an impact within the military. Recently the Joint Chiefs of Staff suggested that the administration no longer insist on the right to deploy strategic defenses in the Geneva talks.

Moreover, in April, the Joint Chiefs chose the lowest of the SDI funding options presented to them.

The United States may have a valid interest in a Strategic Defense Research Program to clarify the long-term prospects for strategic defenses. But the current SDI Program is on an overheated path that lurches from one technological concept to another. It is time to slow down the program in order to take a more thoughtful look at it. Only then will be able to proceed in an intelligent manner.

Mr. SPECTER. Mr. President, I am voting against tabling the Johnston amendment because I believe the $558 million could be better spent in other ways.

Last year, I voted against cutting funds for SDI, because I believe SDI has real potential as a defensive system. It is impossible to predict the full potential of scientific research. In 1945, Vannevar Bush said there would never be an intercontinental ballistic missile, and we know what happened. In 1965, Robert McNamara, Secretary of Defense, said the Soviets would never surpass the United States on ICBM's; but they did.

And we all know the story of the head of the Patent Office who resigned about a century ago, because there was nothing new to discover. With such factors in mind, I think it conceivable that SDI could provide a significant, if not comprehensive, defense.

In prior years, I argued in favor of the broad interpretation of the ABM Treaty I was convinced the treaty did not reciprocally bind the U.S. and U.S.S.R. to the narrow interpertation.

This year, I believe there are other items of higher priority such as the V-22 Osprey which should be included, but cannot be without a reduction in SDI funding. I have come to know the V-22 Osprey form watching its development at Boeing-Vertol in Lester, PA.

Out of deference to the V-22 Osprey and other important programs, I am voting against tabling the Johnston amendment.

The PRESIDING OFFICER. All time has expired. Under the previous order, the Chair recognizes the Senator from Georgia, Senator NUNN.

Mr. NUNN. Mr. President, just a couple of final thoughts before I move to table on behalf of Senator WARNER and myself. If this is tabled tonight, it would be my recommendation to the majority leader, as far as this bill is concerned, that that is all the productive business we can do this evening. I have tried to get other amendments here, but I was not able to give anyone a time. There are a number of people who had important amendments and did not want to bring up an important amendment at this hour of the evening without having any idea what time. I do not think we can do further business on this bill. That would be my recommendation.

Mr. WARNER. Mr. President, but the key and operative words are if this amendment is tabled.

Mr. NUNN. If this amendment is tabled. If this amendment is not tabled, Mr. President, it is going to be a very long night because we will have the second part of the Johnston amendment. I am not going to delay if this is not tabled. I hope if it is not tabled, we can go ahead and voice vote the amendment, unless it is a cliffhanger, somebody is absent and comes back, something of that nature. If he wins, without any doubt, from my point of view, I want to move on. In moving on, we have to move to the second half of the amendment. The second half of the amendment has all sorts of programs to be added back. Some of those programs we agree with. Some of those programs we went over very carefully, like the V-22. We felt the research and development money should be put there, but we did not think a production decision should be made now on the V-22, and that program is a program that is about $26 billion.

So this is starting production on a $26 billion program. That merits some debate. We are going to have to debate that. We are going to have to debate the other programs that are new programs. Some of these we would be willing, of course, to accept, but other people may want to debate them. Like the Senator from Arkansas is against the Maverick missile. It is going to be a long, long evening if this amendment is not tabled. I know that will not affect anyone's vote on the merit, but I wanted to make that information available.

I would say as far as Monday is concerned, the majority leader informs me we will be in business Monday. We will be voting, and he will make the announcements about the time.

Let me say from my point of view, and I have talked to the Senator from Virginia about this, we will be here when the Senate opens, and we will get on this bill on Monday. We have over 100 amendments filed now. I hoped to get a unanimous-consent agreement that no more amendments would be in order after tonight. That has been impossible to get. I am sure that there are reasons for that, but we have not been able to get that. So we have over 100 amendments. We are going to be in business on Monday. The Senator from Virginia and I will have our staffs here, the majority and minority. They will be set up outside. We hope perhaps we can use the Vice President's office. We will be willing to take a look at anyone's amendment on Monday. I hope we can go through 50 or 60 of them. It may be, before we come to the time of voting, that we will actually be able to handle an awful lot of amendments. Anyone who has an amendment that they have any hope that the committee may accept, I urge them to come in on Monday morning or sometime during the day Monday and get with us and present the arguments for the amendment, let us weigh it, let us make sure we understand it, and then we will do our best to dispose of it that day by consent, if we agree to it.

Mr. President, does the Senator from Virginia wish to make any comments?

Mr. WARNER. Only to clarify, Mr. President. Should the chairman desire to go forward in the event it is not carried tonight, on our side, we would require votes on each of the separate add-ons, which could be as many as five votes.

Mr. JOHNSTON. Will the Senator yield?

Mr. NUNN. Yes.

Mr. JOHNSTON. I hope whatever happens on this amendment that we can terminate this and come back Monday on that. The threat of keeping us in all night—I was in a markup starting at 9:30 and going to 12 and have been here over 9 hours. The threat of that kind of cuts. What are we trying to do? This is supposed to be quality of life. I do not think Senators ought to vote on this program based on whether they have to go home and vote and stay up until 1 a.m. That is not fair.

Mr. NUNN. We will be glad to talk to the Senator about that. I am not suggesting an all-night session. I think that would be nonproductive. I would not recommend it. But I also think everybody ought to understand what we would have freed up if this amendment is adopted as it is now, it is $500 million something. Anybody who wants to be contacted all weekend by defense contractors, just leave that some odd $500 million hanging out here, and I would suggest to you they would rather stay up a little later tonight, spend some of it and make sure we put it in the right places than to be harassed all weekend. There is going to be some discomfort one way or the other. We may be able to save some of it. The Senate does not have to spend all that.

Mr. SIMON. Would the Senator from Georgia yield?

Mr. NUNN. Yes.

Mr. SIMON. Is the motion to table-for the whole Johnston amendment?

Mr. NUNN. Just the first part of it. When I make the motion to table on behalf of the Senator from Virginia and myself, it will be on the Johnston amendment which cuts the SDI Program by $558 million. This motion has nothing to do with the add-backs at this time.

Mr. President, on behalf of Senator WARNER and myself, I move to table the Johnston amendment.

Mr. WARNER. Mr. President, I join him.

The PRESIDING OFFICER. Is there a request for the yeas and nays? Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table division I of amendment No. 500 offered by the Senator from Louisiana. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] and the Senator from Idaho [Mr. MCCLURE] are necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—50

Armstrong	Exon	McConnell
Bingaman	Garn	Murkowski
Bond	Gore	Nickles
Boren	Gorton	Nunn
Boschwitz	Graham	Packwood
Bryan	Gramm	Robb
Burns	Hatch	Roth
Byrd	Heflin	Rudman
Coats	Helms	Shelby
Cochran	Hollings	Simpson
Cohen	Humphrey	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
Dixon	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	Wilson
Durenberger	McCain	

NAYS—47

Adams	Glenn	Mikulski
Baucus	Grassley	Mitchell
Bentsen	Harkin	Moynihan
Biden	Hatfield	Pell
Bradley	Heinz	Pressler
Breaux	Inouye	Pryor
Bumpers	Johnston	Reid
Burdick	Kennedy	Riegle
Chafee	Kerrey	Rockefeller
Conrad	Kerry	Sanford
Cranston	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dodd	Levin	Specter
Ford	Lieberman	Wirth
Fowler	Metzenbaum	

NOT VOTING—3

Jeffords	Matsunaga	McClure

So the motion to lay on the table division I of amendment No. 500 was agreed to.

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

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

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The question is on division II of the amendment. Is there further debate?

Mr. NUNN. Mr. President, will those Senators desiring conversation please retire from the Chamber?

The VICE PRESIDENT. Is there further debate on the amendment?

Mr. JOHNSTON addressed the Chair.

The VICE PRESIDENT. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, division I of this amendment having been tabled, division II is irrelevant. So I, therefore, withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). The majority leader.

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. The Senate will be in session on Monday, and we will be considering this bill throughout the day. Votes will be stacked commencing not earlier than 5 p.m. on Monday. Senators should be aware of the following with respect to next week: There are now a total of 74 amendments pending. We have been unable to gain consent——

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

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. There are now 74 amendments pending. I am advised by the distinguished Republican leader that we are unable to gain consent to my suggested agreement to limit amendments to those now filed.

Accordingly, Senators should be prepared for very long sessions every day next week. After Monday at 5 p.m., there will not be and cannot be consideration of any requests regarding times when votes can or cannot occur.

I state this now so Senators can be aware of it. Next week beginning at 5 p.m. on Monday, no consideration will be given to any requests to hold votes. Senators, therefore, should be prepared. We have to finish this bill. We have other matters to attend to. It is my hope that many of these amendments will not be offered. It is my even more fervent hope that the list of 74 will not grow to 174 between now and Monday. Based on past experience, we cannot rule out that possibility. The managers will be here Monday. It is my understanding that there are a number of amendments that they will be able to work out, and they will take amendments during the day on Monday. So Senators who have amendments among the 74, or others not listed, please be prepared to be here on Monday, as we are going to have to complete a lot of work on that day in order to finish this bill at a reasonable time next week.

Mr. NUNN. Will the majority leader yield briefly?

Mr. MITCHELL. Yes.

Mr. NUNN. Mr. President, I made the announcement a little while ago, but we did not have many Senators on the floor then. We will be here on the floor Monday, as soon as the majority leader calls us in. We will have our staffs, and if we can borrow the office—and I hope we can—the Vice President's office, we will be ready to look at any Senator's amendment. We hope we can accept a number of amendments, and if anyone wants to have the best possible opportunity to have his amendment considered with the possibility of acceptance, I suggest Monday morning and Monday afternoon would be the best time to do that. We will try to dispose of as many as possible.

Mr. DECONCINI. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DECONCINI. Does the Senator anticipate offering a unanimous-consent request regarding the filing of amendments tonight or tomorrow or Monday?

Mr. MITCHELL. I had anticipated that, but I have been advised by the distinguished Republican leader—and he is here and I will ask him to confirm it—that he is not in a position to give consent to such a request.

Mr. DECONCINI. I take it that that will not occur tonight, any such unanimous consent will not be propounded tonight.

Mr. MITCHELL. That is correct.

The PRESIDING OFFICER. The Senate will suspend and be in order.

Mr. STEVENS. Will the leader yield?

Mr. MITCHELL. Yes, sir.

Mr. STEVENS. I see my friend from Georgia here. Is it possible we can consider some time limit on these amendments, a generic limit of an hour total on any amendment, or something, so that we can move faster? Seventy-five amendments in 5 days is going to be awfully hard unless we have a basic understanding on each amendment.

I urge the leader to consider seeking a unanimous-consent request that no amendment take more than an hour. I have three amendments. I would be happy to agree to such a provision. The Senator from Ohio has some, and I will be working with him. I think these amendments ought to be disposed of a lot more quickly than it looks like we are going to be able to do.

Mr. MITCHELL. I thank the Senator. It is my intention to try again on Monday to get an agreement both limiting the number of amendments and times related to the amendments and a specific time for final passage. We

will simply do the best we can, given the realities of unanimous consent. Now, I should say——

Mr. STEVENS. May I say to my friend that the complexity of this bill is such that it is very difficult to agree that there would be no additional amendments. I would be more than willing to agree to a time limit on any amendment and a time for final passage, but the difficulty is, in terms of this bill, if one amendment is adopted, you automatically may have to have another one come up.

I urge some time limit on each amendment and some time for final passage, and you can make that any time after Wednesday, as far as I am concerned. I am not seeking to delay the bill, but we are trying to study the impact on the appropriation process, frankly, as to what is happening here. I do not think you can do that unless you see the amendments and how they come up.

Mr. MITCHELL. I thank the Senator. If I could comment further, I have just been advised that the conference on the S&L bill has completed action. That will be before us next week, and we must complete action on that. We still have to do the debt limit extension. That must be done. It is still my hope to complete action on rural development and disaster relief legislation.

Finally, the Senate Committee on the Environment and Public Works today reported, unanimously, oilspill legislation, which I hope to take up with the Commerce Committee's previously reported bill as well.

There will be a lot to do next week. Senators should be prepared for long days and nights.

Mr. STEVENS. If the Senator will yield. That is why I have a vital interest in the last matter. That is why I would like to see this bill get completed by Wednesday, if we can do it. I will do anything I can to get to that oils spill legislation.

Mr. MITCHELL. I thank the Senator.

Mr. LEAHY. Mr. President, the Senator mentioned disaster relief legislation. If the Senator will yield for a minute.

Mr. MITCHELL. Yes.

Mr. LEAHY. There have been some discussions earlier this week that the report had not been filed on the disaster relief legislation reported out of the Agriculture Committee this past Tuesday, July 25. I had withheld filing the report because I had been advised by the office of the distinguished Republican leader that there were additional minority views that he or others wished to add to the committee report and that he wanted the 3-day time period to run before adding these additional views. If—and I see the distinguished Republican leader on the floor now—there are no additional views, the committee report is ready to be filed and has been ready for the last 48 hours.

We are ready right now to file the committee report on disaster relief. I am ready to go on the disaster relief bill on 30 seconds' notice. I would advise the distinguished majority leader and distinguished Republican leader that the report was held back only because it was my understanding that the distinguished Republican leader or others may have wished to add additional views.

If any Senator wishes to discuss this legislation, I am usually in my office by 6:30 or 7 o'clock in the morning and I am here late at night. I am ready and willing to meet with any Senator at any time about disaster relief legislation.

Mr. MITCHELL. I thank the Senator.

Mr. DOLE. I think in response to the Senator from Vermont, in fact, I talked to the majority leader and said I was going to visit with the chairman of the committee and give him a counterproposal. I gave it to as many Members as I could find—Senator BOREN and your staff, and I tried to find Senator KERREY.

The Senator's staff has some information. I could not find other Senators. But we tried to make available a counterproposal. As I said before this happens in farm legislation generally or nutrition legislation, which all of us signed off on today, but it got held up for some other reason, if we could agree on it as I advised the majority leader, it would not take very long at all.

Mr. LEAHY. Will the Senator yield? I wish to advise the Senate that what the distinguished Republican leader has said is true. In the last few seconds, he has given me his counterproposal.

Mr. DOLE. That is about when it was available.

Mr. LEAHY. I will be happy to look at it.

Obviously, because of the lateness of the hour, it might make more sense to meet tomorrow or over the weekend.

I will be happy to meet with Senators tomorrow or over the weekend.

I will be happy to meet with any Senator—Republican, Democrat, or neutral. I will be happy to meet too with the administration, at any time this weekend or on Monday.

As I said over and over again, I think that the proposal that passed the Senate Agriculture Committee and the alternative proposals made by others are really very, very close.

I am convinced that if Senators are willing to sit down with me and other Senators who are interested, we could reach an agreement which could get near unanimous support in this body.

I would also add just one last thing for Senators who are concerned about the disaster legislation. The committee bill is 29 percent less in money than the House of Representatives' bill, about $400 million less. If the Senate Agriculture Committee bill is to essentially prevail, we will need near unanimous support from this body.

I have been meeting with the distinguished ranking member, Senator LUGAR, and the distinguished Republican leader, Senator DOLE and others. I will meet with them over the weekend or on Monday. I am convinced that if we will all get together and set aside preconceptions, mine or anybody else's, we can have a bill by late Monday that everybody could agree on. And if we pass it with strong support, then we could go to the House and persuade them to adopt a position closer to the Senate bill.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-29, as amended by Public Law 98-459, appoints Mr. E. Don Yoak, of West Virginia, to the Federal Council on the Aging.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-83, appoints Rabbi Chaskel Besser and Mr. Levi Goldberger to the Commission for the Preservation of America's Heritage Abroad.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

EXTRAORDINARY COMMUNITY CONTRIBUTIONS OF TWO TRI-CITY RESIDENTS

Mr. GORTON. Mr. President, America's unsung heroes are her volunteers. These are the people who offer their time unhesitatingly, who keep many vital community services going, who, through thick and thin donate their time without asking for recognition.

The Department of Energy understands that outstanding government service and outstanding volunteer service often go hand-in-hand. Patricia Turner and Santos Ortega of Kennewick, WA, have been recognized by Secretary of Energy Adm. James D. Watkins as part of the Department's nationwide program to honor extraordinary community service provided by its employees.

It is my pleasure to join Admiral Watkins in congratulating these fine Washington State citizens. They are exceptional individuals who bring compassion and caring to their com-

munities and our Nation. They are the people for whom voluntarism is a way of life, not a fad of the 1980's.

Ms. Turner, who has recently completed 35 years of government service, developed an extremely effective teen crisis line in the Tri-Cities. She has been an active volunteer for the region's Sunfest, Kadlec Hospital, and contact teleministries. She also serves as a member of the board of directors for the Volunteer Center.

Mr. Ortega should be commended for his extensive work on behalf of the Tri-Cities' Hispanic population. He is a member of the Tri-Cities Job Training Partnership Act Private Industry Council Advisory Committee, Tri-Cities Job Service Employees Committee, and Committee to Explore a Seed Capital-Minority Entrepreneurial Small Business Investment Corporation.

I urge my colleagues to join with myself and Admiral Watkins in congratulating these outstanding Washingtonians.

FSX

Mr. DIXON. Mr. President, it appears to this Senator that it is time to remind the executive branch that there are three branches to this Government of ours, predicated on a system of checks and balances.

Yesterday, President Bush informed congressional leaders that he thought it highly inappropriate—even constitutionally questionable—that the Congress had set down restrictions on the FSX deal the Reagan and Bush administrations had negotiated with Japan.

Mr. President, when the administration enters into an agreement with a major trading partner—in this instance Japan—that will make Japan a major trading competitor at the expense of hundreds of thousands of American jobs and billions of dollars of American wealth, I think it is time for the Congress to step in on behalf of the American people.

The White House has given up arguing the merits of the agreement. The House, by an overwelming majority, and the Senate by an even greater majority, have told the President, Japan, and the American people that this is a very bad deal.

And it wasn't just the House and Senate that called FSX a bad deal. The General Accounting Office said, "We know what the Japanese are getting from the United States; we don't know what we are getting from the Japanese."

The White House doesn't argue this. Now, they just say it's none of our business—that this is a constitutional issue, and not the concern of Congress.

Well, Mr. President, the regulation of interstate and foreign commerce has been a prerogative of the Congress of the United States historically for 200 years.

When it comes to jeopardizing American jobs and America's competitive edge in global competition, then the Congress will certainly exercise that prerogative.

I am not arguing that we should be governed by protectionist concerns. I am not arguing that we should try to stop Japan from developing its aerospace industry. What I am arguing is that we need to consider the long-term implications of decisions the Government makes on the economic health and basic competitiveness of industries that are so important to our national security and overall economy.

Such concern is not the exclusive domain of the executive branch. This is the concern of all Americans—including the Congress.

YAAK TIMBER RELIEF

Mr. BAUCUS. Mr. President, the Interior appropriations bill contains language directing the immediate sale and harvest of timber from stands of lodgepole pine in Northwest Montana's Upper Yaak river drainage. This language is the product of an agreement between myself and my distinguished colleague, Senator BURNS. It is our intent to authorize the sale of approximately 30 to 35 million board feet in this region over the next fiscal year.

For the past two logging seasons, the Forest Service offered no new timber sales in the Upper Yaak, one of Montana's most productive forest areas. While I believe it is time for sales to move forward, I also believe any interim sale program must contain substantial environmental safeguards. We must also respect the fundamental integrity of the National Environmental Protection Act [NEPA].

This legislation balances these two concerns. While sales and harvest will be permitted, timber operations will be confined to stands of lodgepole pine. Since much of the Yaak's lodgepole pine is dead or dying from mountain pine beetle infestation, we are preventing the waste of a resource and a potential fire hazard. Additionally, the legislation also addresses the question of road construction. By use of the term "system roads," it is our intent that construction be confined to temporary roads necessary to access cutting units. Finally, we provide that this harvest must comply with the standards and guidelines of the Kootenai National Forest Plan.

It is also important to recognize this legislation does not tamper with NEPA. What we have done is recognize a point of settled law and fact: Environmental assessments [EA's] have been completed on all sales that the Forest Service would likely carry out in the next fiscal year. The Forest Service filed decision notices and no citizen saw fit to challenge the adequacy of these environmental studies. The time for appealing any of these EA's has long ago expired.

Finally, it is important to note that this legislation in no way affects an ultimate decision on the merits of the Final Upper Yaak Environmental Impact Statement or Save the Yaak Committee versus Block, a lawsuit currently pending in Federal court.

We have forged a sensible compromise. It is time to move forward with timber management on the Yaak.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, it is now 1,594 days that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a New York Times article which appeared on Christmas Day of 1987 be printed in the RECORD.

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

[From the New York Times, Dec. 25, 1987]

U.S. HOSTAGE SEEN ON NEW VIDEOTAPE

(By Ihsan A. Hijazi)

BEIRUT, LEBANON, December 24.—Terry A. Anderson, the American hostage in Lebanon who has been held the longest, appeared today in a videotape released by his kidnappers, the pro-Iranian group known as Islamic Holy War.

Mr. Anderson, 40 years old and chief Middle East correspondent of The Associated Press, was seized on a West Beirut street by gunmen March 16, 1985. In the videotape, he addressed messages to his family, his friends, and President Reagan for Christmas.

"I don't know what to say to my Government," Mr. Anderson said. "I know you have been trying to have me freed. This is the third Christmas I spend as a hostage."

Mr. Anderson urged President Reagan to do more to bring about freedom for the hostages. He added that there is a limit to what the captives can endure. Mr. Anderson said he was in good health but tired and very lonely.

The four-minute videotape was delivered to a Western news agency here. It came as Lebanese newspapers today carried Christmas messages addressed to American and French hostages by their wives.

As well as Mr. Anderson, Islamic Holy War says it is holding another American, Thomas Sutherland, 55, acting dean of the School of Agriculture to the American University, and three Frenchmen, Marcel Carton, Marcel Fontaine and Jean-Paul Kauffmann.

Six other Americans are among other foreign hostages held captive by a variety of underground factions, all believed linked to Iran.

Mr. Anderson said no progress has been achieved in winning the release of American hostages since David Jacobsen was freed Nov. 2, 1986. Mr. Jacobsen, formerly the administrator of the American University Hospital, was freed as part of a deal between the Reagan Administration and the Iranian Government under which Washington sold

weapons to Teheran in return for freedom for some of the hostages.

U.S. CALLS CAPTORS "CYNICAL"

WASHINGTON, December 24.—The State Department condemned Mr. Anderson's captors today for their "cynical" release of the videotape.

"All statements by hostages are made under the duress of their captivity," Phyllis Oakley, the deputy spokeswoman, said.

TO REAUTHORIZE ACTION VOLUNTEER PROGRAMS

Mr. HATCH. Mr. President, I am pleased to be a cosponsor of the bill to amend and expand the Domestic Volunteer Services Act and to reauthorize ACTION, our Nation's volunteer Agency. I have seen and heard of the tremendous impact that ACTION programs have had in my home State of Utah, and I am confident that this bill will strengthen the ability of the ACTION Agency to encourage voluntarism in America.

Through the leadership of President Bush, the energies of this Nation have been refocused on community spirit and voluntarism—one of the basic characteristics of American society. Although it is individual and community effort that makes voluntarism work, the Federal Government can play an important role in facilitating this participation. Through our national volunteer Agency—the ACTION Agency—we are able to cost-effectively marshall the resources of community volunteers. As stated in the ACTION mission statement:

ACTION's mission is to stimulate and expand voluntary citizen participation through coordination of its efforts with public and private sector organizations and other governmental agencies.

I am personally aware of the difference that the ACTION volunteer programs can make in a community. For example, the Senior Companion programs in which low-income seniors help care for the homebound elderly have proven very effective in Utah. The frail elderly are able to maintain their independence, and Utah seniors continue to make a valuable contribution through their sunset years. I'd like to share a true story with my colleagues that gives the benefits of ACTION's Senior Companion Program a human dimension:

One afternoon in Salt Lake County, a 93-year-old woman—we'll call her Jane—was tending to her front yard when she was approached and severely beaten by two men apparently trying to rob her. After a long hospital stay, Jane was, thankfully, able to return to her home. But, once she returned home, she found that she was too frightened to venture out of her house—even her daughter could not coax her outside. During this recuperative period, a senior companion was assigned to help Jane with light chores around the house and to be there when she needed someone to talk to. One day, the senior companion suggested that they walk to the new yarn store that had just opened around the block, and Jane walked to the yarn store. From that point on, she could occasionally venture outside her home.

We must continue support of the ACTION volunteer programs for people like Jane. We must bring the power of American voluntarism to bear on the many problems facing society today, even if a particular problem seems small to those of us who do not have to face it.

This bipartisan legislation to reauthorize the ACTION Agency makes several important changes in the current law—changes which I believe are vital to ACTION's continued effectiveness.

First, this bill authorizes increased funding for public awareness and recruitment activities. We must ensure that people around America are aware of volunteer opportunities at ACTION and that they are able to easily be matched up with those opportunities. the majority of recruiting within ACTION is accomplished at the local level, and this is as it should be. ACTION funds are intended to encourage local responses to community problems. However, there are times when a local project may require a skilled volunteer that is unavailable within the local pool of volunteers. To facilitate the matching process between a projected director with a need for a skilled volunteer and a volunteer looking for an opportunity to use his or her skill, this bill asks the director to increase coordination of the recruitment activities.

This bill also authorizes increased funding for public awareness campaigns for VISTA and the Older American Volunteer programs in order to ensure depth in this nationwide talent pool, facilitate the recruiting efforts of the local project directors, and return the ACTION programs to their proper level of national recognition. These funds will support the development of recruiting materials, such as brochures and posters, which may be used by all local ACTION programs in their recruiting efforts. They will also support nationwide public awareness campaigns which are necessary to generate knowledge of and interest in the ACTION programs. VISTA, Senior Companion, Foster Grandparent, and Retired Senior Volunteers make a tremendous difference in our Nation, Mr. Chairman. It is important that they are recognized for their efforts and it is even more important that both communities and potential volunteers know that these opportunities exist.

We know that ACTION-funded volunteers are a cost-effective resource. With a Federal appropriation of $30.6 million in 1988, over 397,000 ACTION retired senior volunteers alone provided over 72 million hours of service. That means that the services provided by these volunteers cost us less than $0.50 per hour in Federal funds. particularly during this time of budget deficits, and increased emphasis on people helping people, we in Congress have to support expansion of the ACTION programs. Therefore, the second major change to current law in this bill is the authorization of increased funding for both the VISTA and Older American Volunteer programs.

The VISTA authorizations in this proposed legislation increase from just under $31 million in fiscal year 1990 to $56 million in fiscal year 1993. In 1993, this authorization level will support more than 4,100 volunter service years, which reprsents an increase of over 1,500 new volunteers over the current level of 2,600. This bill, therefore, recognizes the contributions made by VISTA volunteers and supports significant program expansion. In addition to increasing the number of volunteer service years supported through VISTA, this legislation allows for an increase in both the subsistence allowance and the stipend paid to VISTA volunteers. It has always been intended that VISTA volunteers live at the same level as those they are serving in the community. However, I have been told that even with the current subsistence allowance many volunteers are forced to spend personal resources simply to exist as a VISTA volunteer and that may are forced to forego this opportunity due to the level of the subsistence allowance. If we are to take advantage of this Nation's increased emphasis on voluntarism, we must make sure that each volunteer is able to live at the poverty level in his or her local community during the period of service.

This bill also authorizes an increase in program funding for all of the Older American Volunteer Programs: the Senior Companion Program, the Foster Grandparent Program, and the Retired Senior Volunteer Program. Most of this increased authorization is to be channeled through a new initiative: Programs of National and Local Significance. We know intuitively that communities around this country have identified creative volunteer solutions to resolve national problems at the local level. We must encourage these programs of national and local significance by providing increased funding and sharing the knowledge of effective community-based solutions with other communities facing similar problems around this country. These new funds will be competitively awarded to new and existing programs which are best able to uniquely meet community needs. Targeted areas of national concern include drug abuse, child care, and respite care.

In addition to this growth in program funding, the authorization levels for the Older American Volunteer Programs include a small increase in the

hourly stipend for Senior Companion and Foster Grandparent volunteers. This bill increases the stipend by $0.15 to $2.35 in 1991 and another $0.15 to $2.50 in 1992. These stipended programs have always had the dual objective of cost effectively delivering a valuable service and subsidizing low-income elderly. The volunteers provide a valuable service to society, and we should recognize it.

We must also protect the ability of the ACTION Agency to effectively manage and administer these volunteer programs. From 1972 to 1989, ACTION Program funds have increased by 153 percent. Program administration funds have not kept pace. This bill, therefore, increases the authorization levels for ACTION Program administration expenses.

Finally, this legislation allows for multiyear grant awards under the Older American Volunteer Programs to smooth the planning process for these programs and ensure continued service delivery in local communities. This bill also delays the next ACTION reauthorization until 1993, 4 years from now.

Mr. President, the authorization levels for the ACTION volunteer programs are increased because the ACTION volunteer programs are cost effective; but, they also accomplish a number of very important objectives. They assist local communities in the tough fight against poverty and drug abuse; they provide income and job assistance for the low income and low-income elderly; and perhaps, most importantly, they empower individuals with the knowledge that they can make a difference in their own communities.

There have been a number of new proposals to encourage our Nation's volunteer spirit already in this Congress. While I believe we should consider each of these carefully, given the importance of volunteerism to America, I believe we must first fully fund those existing programs, such as ACTION, which have already proven themselves effective. I encourage all of my colleagues to vote for this bill to reauthorize the ACTION Agency.

ACID RAIN

Mr. MOYNIHAN. Mr. President, it will be just 10 years ago, September 14, 1979, that I introduced the first bill ever to address the issue of acid rain. It called for the creation of the National Acid Precipitation Task Force to carry out a 10-year, $56 million study of the cause and effect of acid precipitants. It was, yes, one of those much derided proposals to study a problem. I do not, however, apologize for this. Not in the least. I said on the occasion:

> This legislation freely acknowledges our ignorance and seeks to extend our knowledge by greatly increasing the scope and intensity of research on * * * [the] causes and cures [of acid rain].

Whilst not apologizing for the way I proposed to proceed, neither do I take any special credit for bringing up the subject. I represent New York State and, of course, the Adirondack Preserve, where the problem first appeared, or at least was first noticed in the United States. We are, of course, immediate neighbors of Canada which was also at that time beginning to be much troubled by this phenomenon. Also, a biologist at Cornell University had unraveled the process by which lakefish die off as acid levels rise. Aluminum released from granite collects in gills and fish suffocate. This much we knew; not much else. The custodians of the Adirondack Preserve had lovingly recorded just about everything about the first robin and the last maple leaf in the region for onto a century, but had somehow never measured the pH contents of our lakes. So there was no confident way to know whether the lakes were getting more or less acidic. We had to investigate.

S. 1754 became law as the Acid Precipitation Act of 1980: the first and so far the only enactment in this field.

To those who think of more research as an excuse for inaction, I would point with some emphasis to the events that followed. In the 1970's, environmental issues had found a responsive audience within the executive branch. If a case could be made that something needed doing, the likely response was to try. In 1979, I certainly got no opposition in bringing up and passing this law. However, things changed dramatically when administrations changed. By the early 1980's, concern about acid rain had become widespread as were demands that something be done. In the Executive Office of the President, however, such demands were met by a blunt proposition: Prove it. Prove, that is, that there was a problem that could be dealt with at a reasonable cost.

Well, there was no proof. Which is to say, no research had been completed.

The attitude at the Office of Management and Budget was not unreasonable, per se. We expect doctors and rocket scientists to know what they are doing; environmentalists need to be just as rigorous. However, one could not mistake the overlay of plain old hostility in the attitude of the new administration, and most especially in the Environmental Protection Agency. "Prove It" is one attitude. "Go Away" is another.

This attitude became pervasive. On the weekend of May 2, 1981, a conference on Acid Rain and Clean Air Policy met at the State University of New York at Buffalo. I was invited to be the luncheon speaker. Arriving in Buffalo that morning, I learned that the Canadian Secretary of State for External Affairs, the Honorable Mark MacGuigan had also been invited and was even then on the campus. I asked had anyone from Washington been there to greet him? Nobody. Had he received any message? None. Oh, Lord.

I got to a telephone and called the White House. Did they know what had happened? No. Well, we must do something. Where was the Secretary of State, Mr. Haig? The Secretary of State was on his way to a NATO meeting in Rome and could not be bothered with acid rain conferences or whatever was going on in Buffalo. Where, I asked, did they think Mr. MacGuigan was heading? Who did they think he would be sitting down to dinner with on Sunday evening? There was a mildly troubled response from the White House. I proposed that at least they have Secretary Haig send a greeting to his colleague which I would read at lunch. Impossible. What do you mean impossible? The Secretary is on a plane to Rome. And there are no radios on his plane? So it went. In the end, I dictated a message which they agreed could be signed by the Acting Secretary of State. Mr. MacGuigan could not have been more cordial about it all. But neither was he overimpressed by his ally's concern for a matter Canadians took seriously.

So it went for 8 years. The implacable hostility of the administration made itself felt on Capitol Hill. The near-heroic efforts of our present majority leader, Senator MITCHELL, came close to succeeding in the 100th Congress, but in the end, was unavailing. The prevailing negativism was combined with an equally unhelpful escalation of demands from environmental groups who seeming to sense that nothing was going to happen anyway, raise their demands, looking to some future negotiation.

Then a new administration came to office, headed by a President who had committed himself to action on acid rain.

That commitment has now been kept in the form of a major proposal, sent to Congress just last week.

And so here we are at last. Dealing with an issue of large consequence—the Nation's struggle for clean air. I would like to make a plea to the Senate that the way we go about addressing this issue reflect both the importance of the problem and the experience we have just been through.

For more than a decade we have witnessed a collective failure of will. We failed to take action to eliminate the factors producing acid rain, we failed to control the emissions of toxics into the atmosphere, and we failed to formulate a strategy that would enable our urban areas to attain healthy air standards.

This was a collective failure. The indifference of the Reagan administration was an obvious factor, but to say again one can name a host of other contributors. Attempts to address the acid rain problem became paralyzed by regional competition. The issue of air toxics got lost in interpersonal squabbles within Congress. Members of industry blocked a number of initiatives that would have been in their own long-term interest. And the environmental community, when given the chance to fashion a compromise and succeed, often chose doctrinal purity and stalemate.

And in the interim, the acid rain problem has become more severe and costly, more cities have fallen out of ozone attainment, and the volume of unregulated toxics spewed into the air rose to the level of more than 2 billion pounds a year.

All of us involved in this longstanding debate have become experts in fashioning no-win situations. The question is, after a decade of failure, are we afraid of achievement?

President Bush has given us an opportunity. He has presented us with a package, and with a challenge. The challenge is to see if we can work for the collective well-being of our Nation.

The President proposes substantial improvements on each segment of the Clean Air Act as currently written. His acid rain proposals call for an annual reduction of 10 million tons in sulfur dioxide emissions by the year 2000.

His air toxics proposal increases the number of regulated chemicals from 6 to almost 300, and requires the use of "maximum achievable control technology" to lower emissions.

His provisions of urbanizing ozone involve a score or more of strategies aimed at bringing most of the Nation's cities into compliance by the year 2000.

The bill includes a host of creative approaches emphasizing market forces to achieve air quality improvements. The President's call for the full-scale development of an alternative fuel automobile fleet to complement and compete with the gasoline market is especially provocative.

It is, in sum, a sincere, imaginative and thoughtful effort.

Does that mean it is the best we can do? I doubt it. I believe that Congress, over the past decade, has developed sufficient understanding of clear air issues that we can craft improvements to various sections of the bill.

Just as importantly, the 1980 Act has done its work. For whatever reasons—I have my own suspicions, but they are not especially relevant—the last administration did provide funds for the National Acid Precipitation Assessment Program [NAPAP], as it came to be known. It did more than required. Almost half a billion dollars has been expended. We have at hand the most comprehensive data base ever fashioned in anticipation of environmental legislation. We can go forward with rare confidence that we know what we are doing.

That is our task. But I also believe we should recognize what the President has done. Could anyone, even 8 months ago, have guessed that the President would have assumed a leadership role in the area of clean air? Could anyone have foreseen he would have produced a document as creative and foresighted as the proposal we are now considering?

It disturbs me that rather than viewing the President's plan as an opportunity for action, the old patterns of failure are threatening to re-emerge. Instead of embracing its strengths, and improving its weaknesses, many of those involved in the decade-long struggle for clean air seem content to attack the President's proposal, simply out of habit.

I would caution the Members of Congress, and representatives of industry and the environmental community, not to allow the good to become the enemy of the best. When it comes to preventing something positive from taking place in the area of clean air, we are all experts.

If the President can break a pattern of executive indifference to environmental issues, then surely the rest of us can build on this opportunity. The President has taken the first and most important step in breaking the stalemate. I hope we have the stature and the maturity to make the most of this opportunity.

MESSAGES FROM THE HOUSE

At 2:55 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 joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of oil, gas, or minerals in any area of that sanctuary, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-236. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Armed Services:

"SENATE RESOLUTION

"Whereas the Secretary of Defense has been empowered traditionally to provide for the religious and spiritual needs of members of the armed forces by appointing military chaplains; and

"Whereas there exists an imbalance in the representation of various religious faiths among chaplains of the armed forces as compared to the representation of those faiths among members of the armed forces as a whole; and

"Whereas this body is concerned that the men and women from this Commonwealth who serve with commitment and gallantry in the armed forces of this Nation should have the religious and spiritual needs which arise during the course of their military service served by a chaplain of their faith; therefore be it

"*Resolved*, That the Senate of Pennsylvania memorialize Congress to pass legislation which requires the Secretary of Defense to implement actions to appoint military chaplains in representative proportion to the different faiths represented among the total membership of the armed forces; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each House of Congress, to each member of Congress from Pennsylvania and to all members of the respective armed services committees of each House of Congress."

POM-237. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION No. 120

"Whereas the state of Louisiana is a member of the South/West Energy Council, an organization of eight energy producing states concerned with the energy issues facing the United States; and

"Whereas the state of Louisiana believes that the president of the United States and the United States Congress must aggressively implement a national energy strategy; and

"Whereas the state of Louisiana believes that energy is the key to assuring a viable economy and a strong national defense and to sustaining the American way of life; and

"Whereas the South/West Energy Council has adopted a national energy strategy that covers crude oil, coal, natural gas, renewable energy sources, electricity, and the conservation of energy; and

"Whereas the goal of the South/West Energy Council's national energy strategy is to provide a stable supply of reasonably priced energy in an efficient and environmentally sound manner to meet the needs of the United States citizens and of the economy and national security interests of the United States; and

"Whereas the long-term goal of the South/West Energy Council's national energy strategy is the energy independence of the United States; therefore, be it

"*Resolved*, That the Legislature of Louisiana does hereby express its support of the national energy strategy proposed by the South/West Energy Council and urges the president of the United States and the United States Congress to adopt and implement the proposal as the nation's energy strategy; and be it further

"*Resolved*, That copies of this Resolution with the attached national energy strategy shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice President of the United States and President of the United States Senate; the Honorable Tom Foley, Speaker of the United States House of Representatives; the Honorable J. Bennett Johnston, Chairman of the United States Senate Committee on Energy and Natural Resources; the chairman of the United

States House Committee on Energy and Commerce; the Honorable John Breaux, United States Senator; the members of the Louisiana Congressional delegation; and to Patrick J. Raffaniello, the executive director of the South/West Energy Council."

POM-238. A resolution adopted by the Town Council of Davie, Florida; to the Committee on Energy and Natural Resources.

POM-239. A petition from the Ravenwood Aluminum Corporation; to the Committee on Environment and Public Works.

POM-240. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION 11

"Whereas the people of the state are committed to healthful air for residents of the state to breathe; and

"Whereas the air in Anchorage and Fairbanks periodically contains levels of carbon monoxide during cold weather conditions that exceed air quality standards; and

"Whereas carbon monoxide presents a health risk to humans because it robs the body of oxygen and is a particular health risk to the elderly, infants, pregnant women, and individuals with chronic heart and lung diseases; and

"Whereas carbon monoxide is a product of inefficient combustion and at least 90 percent of the carbon monoxide in the air of Anchorage and Fairbanks results from automobile exhausts during the cold winter months; and

"Whereas the carbon monoxide levels in Anchorage and Fairbanks can be reduced by the adoption of two primary strategies: by reducing the number of automobile miles traveled during the cold winter months and by reducing the amount of carbon monoxide each vehicle emits; and

"Whereas the expanded use of mass transit and ride-sharing will reduce the number of automobile miles traveled, thus reducing the amount of carbon monoxide emitted; and

"Whereas the Anchorage and Fairbanks municipal governments are presently restricted by Federal law in their ability to use Federal gas tax funds to expand mass transit and other more efficient transportation measures; and

"Whereas the Environmental Protection Agency now certifies new vehicles for carbon monoxide emissions at temperatures ranging between 68 and 86 degrees Fahrenheit, instead of a range more appropriate to colder climates; and

"Whereas a cold temperature certification program could reduce actual carbon monoxide emissions by as much as 46 percent; and

"Whereas the Congress of the United States is not in the process of reauthorizing and amending the Clean Air Act: Now be it

"*Resolved*, That the Alaska State Legislature urges the Congress to support the reauthorization of the Clean Air Act with amendments noted in this resolution; and be it further

"*Resolved*, That the Alaska State Legislature urges the Congress to increase mass transit funding as a means of mitigating the adverse effects of transportation related air pollution; and be it further

"*Resolved*, That the reauthorization of the Clean Air Act require the Environmental Protection Agency to certify motor vehicles for carbon monoxide emission compliance at 20 degrees Fahrenheit.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-241. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

RESOLUTION CHAPTER —

"Assembly Joint Resolution No. 5—

"Whereas home ownership has been and is a fundamental building block of the American ideal; and

"Whereas home ownership gives citizens a greater sense of belonging and commitment to their community; and

"Whereas industries associated with home ownership make an extremely large contribution to the nation's economy; and

"Whereas in recent years the rising cost of housing has for many made the dream of home ownership distant and elusive; and

"Whereas the mortgage interest deduction is a positive force keeping the dream of home ownership alive for many Americans; now, therefore, be it

"*Resolved* by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to refrain from taking any action, as part of tax reform efforts or otherwise, that would reduce, otherwise diminish, or eliminate the home mortgage interest deduction; and be it futher

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-242. A resolution adopted by the Student Government Association Senate of the University of Kentucky; to the Committee on Foreign Relations:

POM-243. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Foreign Relations:

"JOINT RESOLUTION

"Whereas we are shocked and grieved by the events which have taken place since June 4, 1989, in Beijing, China; and

"Whereas our beliefs are rooted in the democratic traditions of the right of dissent, the right of redress of grievances and the right of peaceful assembly; and

"Whereas the people of China have attempted to peacefully present their earnest desire for a democratic society; and

"Whereas the response of the Chinese Government has been one of wanton disregard for human life; now, therefore, be it

Resolved, That We, your Memorialists, respectfully recommend and urge the Congress and the President of the United States to respond with a strong, clear message of support for democracy, freedom and respect for human life; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-244. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations:

"SENATE RESOLUTION No. 91

"Whereas on December 12, 1985, an airplane crashed in Gander, Newfoundland, Canada, killing 256 people, including 248 members of the 101st Airborne Division of the United States Army; and

"Whereas an investigation took place in which the majority believed that ice on the wings caused the crash, while a minority believed that a bomb was the cause of the crash; and

"Whereas the investigatory board refuses to review any new evidence; therefore be it

"*Resolved*, That the Senate of Pennsylvania memorialize the President and United States Congress to request the Canadian Government to reopen the investigation to include new evidence relating to the December 12, 1985, airplane crash at Gander, Newfoundland, Canada; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-245. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Governmental Affairs:

"HOUSE CONCURRENT RESOLUTION No. 136

"Whereas the Tenth Amendment, part of the original Bill of Rights of the Constitution of the United States, reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

"Whereas the limits on Congress' authority to regulate state activities prescribed by the Tenth Amendment have recently been the subject of decisions of the United States Supreme Court in the cases of *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1965), and *South Carolina* v. *Baker*, 56 U.S.L.W. 4311 (U.S. April 20, 1988), (No. 94, Original); and

"Whereas, these cases hold that the limits of the Tenth Amendment are structural, and not substantive, leaving states to find protection from congressional regulation through the national political process, rather than through judicially defined spheres of residual state authority; and

"Whereas, these United States Supreme Court decisions invite further federal preemption of state authority. Therefore, be it

"*Resolved* by the Legislature of Louisiana that it is the consensus of this body that the Tenth Amendment to the Constitution of the United States is, and always has been, of operational force governing and balancing the respective powers of the states and the federal government; and be it further

"*Resolved*, That it is the further sense of this body to affirm that the Tenth Amendment is a substantive limit on national power and, therefore, should be applied as a test by the courts of the United States and of the several states in the cases coming before them where a question of the exercise of federal authority is raised, and be it further

"*Resolved*, That copies of this Resolution shall be transmitted to the president of the United States, to the speaker of the House of Representatives and the president of the Senate of the United States Congress, and to each member of the Louisiana Congressional delegation, and that the Legislature of Louisiana does hereby urge the president

and the congress, in carrying out their responsibilities, to protect and strengthen the position of the states in the federal union, to avoid instrusion upon state prerogatives, and to afford protection to the proper governing authorities of the states."

POM-246. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION No. 45

"Whereas in recent years, the nation has experienced several significant disasters that required the intervention or assistance of federal agencies in the recovery effort, some of which were caused by nature and others by human activity; and

"Whereas local residents in the area of a disaster suffer by loss of valuable aesthetic, personal, and economic resources, including loss of life or physical injury, and loss of property, employment, and industry; and

"Whereas a successful and efficient cleanup operation following a disaster depends in large part on a qualified and experienced workforce of sufficient size to respond promptly to the threatened harm; and

"Whereas local residents of an area are uniquely qualified to assist in a cleanup operation because of their specific experience and knowledge of the area in which they reside; and

"Whereas it is in the public interest to ensure that local residents, who are most likely to have suffered economic losses from the disaster, have an opportunity to offset their losses by employment in the cleanup operations; Now be it.

"Resolved That the Alaska State Legislature urges the Congress to enact legislation to ensure, for disasters requiring the intervention of federal agencies, that local residents receive an employment preference in the cleanup operations conducted by the federal agencies, and that the agencies involved in the cleanup effort consider the advantage of employing the local workforce before considering importing any other group, including a military group.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-247. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Governmental Affairs:

"SENATE JOINT RESOLUTION No. 43

"Whereas the Tenth Amendment of the United States Constitution, a part of the Bill of Rights, provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."; and

"Whereas the limits under the Tenth Amendment on the authority of Congress to overrule the laws of the states have recently been reviewed by the United States Supreme Court in *Garcia* v. *San Antonio Metropolitan Transit Authority,* 469 U.S. 528 (1985) and *South Carolina* v. *Baker,* 485 U.S. , 99 L.Ed.2d 592 (1988); and

"Whereas the opinions hold that the states must use the political process to find protection from efforts by the Congress to overrule state legislation rather than invoking the protections in the Constitution itself; and

"Whereas the opinions offered no protection to state legislation and invite further preemption by the Congress of the authority of the states; and

"Whereas the Alaska State Legislature believes that the Tenth Amendment to the Constitution of the United States is and has been of operational force governing and balancing the respective powers of the United States and the states; and

"Whereas the Alaska State Legislature believes that the Tenth Amendment is a substantive limit on the power of the Congress and should be applied by courts of the United States and of the several states as a substantive limit on national power in cases coming before them when a question of the authority of the states is raised; be it

"Resolved, That the President and the Congress are urged to carry out their constitutional responsibilities to protect and strengthen the position of the states in the federal union, to avoid intrusion upon the prerogatives of the states, and afford protection to the proper governing authorities of the states, and

"Copies of this resolution shall be sent to the Honorable George Bush, President of the United States; to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress, and to the Supreme Court of the United States."

POM-248. A resolution adopted by the Supervisors of the Township of Fawn, Pennsylvania, to the Committee on the Judiciary.

POM-249. A resolution adopted by the Town Council of Ponce Inlet, Florida, to the Committee on the Judiciary.

POM-250. A resolution adopted by the City Council of Alliance, Ohio, to the Committee on the Judiciary.

POM-251. A resolution adopted by the Town Council of Davie, Florida; to the Committee on the Judiciary.

POM-252. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on the Judiciary.

"SENATE RESOLUTION No. 88

"Whereas since revolutionary times, the American flag has been an honored emblem chosen to symbolize our nation; and

"Whereas like our nation itself, the American flag represents the dedication and courage of all who have worked, sacrificed and given their lives to establish and preserve this nation and the American way of life; and

"Whereas as an expression of the public's profound sense of outrage at acts of desecration toward this national symbol to which we offer a 'Pledge of Allegiance,' the Commonwealth of Pennsylvania, 47 other states, and the Federal Government have enacted laws prohibiting and punishing flag desecration; and

"Whereas the United States Supreme Court, by a vote of five to four, rendered a decision on June 21, 1989, which effectively held unconstitutional these state and Federal laws prohibiting flag desecration; therefore be it

"Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to vote to propose an amendment to the Constitution of the United States in order to authorize state and Federal governments to enact laws prohibiting and setting penalties for flag desecration; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania."

POM-253. A resolution adopted by the Town Council of Derry, New Hampshire; to the Committee on the Judiciary.

POM-254. A resolution adopted by the Town Council of Orchard Park, New York; to the Committee on the Judiciary.

POM-255. A resolution adopted by the Republican Committee for the Seventh Congressional District of the State of Virginia; to the Committee on the Judiciary.

POM-256. A resolution adopted by the City Council of Jacksonville, Florida; to the Committee on the Judiciary.

POM-257. A resolution adopted by the City Council of Bedford, Ohio; to the Committee on the Judiciary.

POM-258. A resolution adopted by the City Council of Prattsville, Alabama; to the Committee on the Judiciary.

POM-259. A resolution adopted by the House of Representatives of the State of New Hampshire; to the Committee on the Judiciary.

"HOUSE RESOLUTION No. 31

"Whereas the American flag is a sacred symbol of the United States of America; and

"Whereas there is a legitimate public interest in preserving the sanctity of "Old Glory"; and

"Whereas the desecration of "Old Glory" is abhorrent and reprehensible to most Americans; Now, therefore, be it

"Resolved by the House of Representatives: That the New Hampshire House of Representatives hereby respectfully requests Congress to enact remedial legislation within the ambit of the United States Constitution against the desecration of the American flag; and

"That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

POM-260. A resolution adopted by the Senate of the State of New Hampshire; to the Committee on the Judiciary:

"SENATE RESOLUTION No. 6

"Whereas the American flag is a sacred symbol of the United States of America; and

"Whereas there is a legitimate public interest in preserving the sanctity of "Old Glory"; and

"Whereas the desecration of "Old Glory" is abhorrent and reprehensible to most Americans; Now, therefore, be it

"Resolved by the Senate: That the New Hampshire Senate hereby respectfully requests Congress to enact remedial legislation within the ambit of the United States Constitution against the desecration of the American flag; and

"That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

POM-261. A resolution adopted by the Governor and the Cabinet of the State of Florida; to the Committee on the Judiciary.

POM-262. A resolution adopted by the Council of the County of Hawaii; to the Committee on the Judiciary.

POM-263. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

"HOUSE CONCURRENT RESOLUTION No. 77

"Whereas the National Endowment for the Arts has participated in the funding of an award to artist Andres Serrano which award consists of a stipend of fifteen thousand dollars, and an exhibit of his work, and for the exhibit the artist has selected for photograph, "Piss Christ"; and

"Whereas the photograph is a picture of Christ submerged in a container of urine and is highly offensive; and

"Whereas the photograph "Piss Christ" clearly oversteps the boundaries of artistic freedom with its vile and repulsive representation of Christ; and

"Whereas federal tax dollars should not have been used to fund the stipend for the artist and the exhibit of "Piss Christ," which clearly reflects anti-Christian bigotry and a sickening example of so-called "art". Therefore, be it

"*Resolved,* That the Legislature of Louisiana does hereby condemn the National Endowment for the Arts for using federal tax dollars for the funding of Andres Serrano's work and the exhibit of "Piss Christ"; and be it further

"*Resolved,* That a copy of this Resolution be transmitted to the National Endowment for the Arts, to the president of the Senate and the speaker of the House of Representatives of the Congress of the United States, and to each member of the Louisiana Congressional delegation."

POM-294. A resolution adopted by the City Council of Sweetwater, Florida; to the Committee on Labor and Human Resources.

POM-265. A concurrent resolution adopted by the Legislature of the State of Florida; to the Committee on Labor and Human Resources.

"HOUSE MEMORIAL No. 1774

"Whereas education has been spoken of as a national priority by the President of the United States, and other elected officials and business leaders, and

"Whereas the teaching of students is at the core of any education reform in the United States, and

"Whereas most teacher compensation packages are locally negotiated and subject to the prevailing political climates, and

"Whereas a centralized pension system for teachers would strengthen the profession and allow for a more stable financial base for teachers who wished to relocate, Now, therefore, be it

"*Resolved by the Legislature of the State of Florida:* That the Congress of the United States investigate and study the feasibility and the impact of a national centralized pension system for public school teachers, not to the exclusion of those nonprofit pension systems presently providing an optional retirement plan to institutions of higher education, and be it further

"*Resolved,* That copies of this memorial be dispatched to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member of the Florida delegation to the United States Congress."

POM-266. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION No. 31

"Whereas diabetes is responsible for the deaths of 150,000 people each year; and

"Whereas people who suffer from diabetes must adhere to strict diets which limit the intake of carbohydrate sweeteners; and

"Whereas the amount of nutritive carbohydrate sweeteners contained in processed food is not required to be listed on the labels of containers of packaged food; and

"Whereas the Surgeon General's Report on Nutrition and Health urged processors of packaged food to use nutritional labels that clearly show the level of carbohydrates contained in containers of packaged food; and

"Whereas only by providing accurate and complete information as to the amount of nutritive carbohydrate sweeteners contained in processed food products can consumers make intelligent decisions concerning the contents of the food they wish to eat; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the Nevada Legislature hereby urges the Congress of the United States to require the listing of the amount of nutritive carbohydrate sweeteners in foods on all containers of packaged food; and be it further

"*Resolved,* That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

POM-267. A resolution adopted by the Weslaco Area Chamber of Commerce and Tourism Center, Weslaco, Texas; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 560. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico (Rept. No. 101-87).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 818. A bill to authorize a study on methods to pay tribute to the late Senator Clinton P. Anderson of New Mexico for his significant contribution to the establishment of a national wilderness system (Rept. No. 101-88).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 963. A bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes (Rept. No. 101-89).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 975. A bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes (Rept. No. 101-90).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 819. A bill to strengthen the enforcement of motor carrier safety laws, and for other purposes (Rept. No. 101-91).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 1152. A bill to authorize a certificate of documentation for the vessel American Empire (Rept. No. 101-92).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1429. An original bill to provide disaster assistance to producers who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of excess moisture, freeze, storm, or related condition occurring in 1989 or drought or related condition occurring in 1988 or 1989, and for other purposes (Rept. No. 101-93).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works:

Michael R. Deland, of Massachusetts, to be a member of the Council on Environmental Quality;

Timothy B. Atkeson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency;

Linda J. Fisher, of Ohio, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency;

J. Clarence Davies, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency;

John F. Turner, of Wyoming, to be Director of the U.S. Fish and Wildlife Service; and

Constance Bastine Harriman, of Maryland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

William Braniff, of California, to be U.S. Attorney for the Southern District of California.

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 1, June 19, June 22, July 11, and July 20, 1989, at the end of the Senate proceedings.)

*Lt. Gen. Ronald L. Watts, USA to be reassigned in the grade of lieutenant general (Reference No. 284).

*Col. Matthew A. Zimmerman, USA, to be brigadier general (Reference No. 297).

**In the Navy there are 940 promotions to the grade of commander (list begins with Robert Edward Adamson III) (Reference No. 325).

*Lt. Gen. Buford D. Lary, USAF, to be placed on the retired list in the grade of leutenant general (Reference No. 391).

*Vice Adm. Joseph B. Wilkinson, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 452).

*Lt. Gen. Edwin J. Godfrey, USMC, to be placed on the retired list in the grade of lieutenant general (Reference No. 458).

*Maj. Gen. Robert F. Milligan, USMC, to be lieutenant general (Reference No. 459)

**In the Army there are 189 promotions to the grade of major (list begins with Charles R. Bailey) (Reference No. 474).

*Rear Adm. Richard H. Truly, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 479).

**In the Navy and Naval Reserve there are 19 appointments to the grade of commander and below (list begins with Kevin G. Mitts) (Reference No. 485).

**In the Marine Corps there are 206 appointments to the grade of lieutenant colonel (list begins with Merle E. Mackie Sr.) (Reference No. 486).

**In the Naval Reserve there are 968 promotions to the grade of commander (list begins with John Matthews Abernathy III) (Reference No. 487).

*Rear Adm. (Selectee) Jimmy Pappas, USN, to be vice admiral (Reference No. 496).

*Gen. Duane H. Cassidy, USAF, to be placed on the retired list in the grade of general (Reference No. 521).

*Lt. Gen. Hansford T. Johnson, USAF, to be general (Reference No. 522).

*Lt. Gen. William H. Schneider, USA, to be placed on the retired list in the grade of lieutentant general (Reference No. 525).

*Lt. Gen. John W. Woodmansee, Jr., USA, to be placed on the retired list in the grade of lieutentant general (Reference No. 526).

*Maj. Gen. Jack B. Farris, Jr., USA, to be lieutentant general (Reference No. 527).

*Maj. Gen. John M. Shalikashvili, USA, to be lieutentant general (Reference No. 529).

*Lt. Gen. George R. Stotser, USA, to be reassigned in the grade of lieutentant general (Reference No. 530).

**In the Air Force and Air Force Reserve there are 38 appointments to the grade of colonel and below (list begins with Robert R. Burns) (Reference No. 532).

**In the Air Force there are 3 appointments to the grade of lieutentant colonel (list begins with Michael E. Winchester) (Reference No. 533).

**In the Air Force Reserve there are 43 promotions to lieutenant colonel (list begins with David E. Avenell) (Reference No. 534).

**In the Air Force Reserve there are 22 promotions to the grade of lieutentnat colonel (list begins with James W. Adams) (Reference No. 535).

**In the Army Reserve there are 34 appointments to the grade of colonel and below (list begins with Robert H. Balme) (Reference No. 536).

**In the Marine Corps there are 34 appointments to the grade of second lieutenant (list begins with Lawrence J. Crafts) (Reference No. 537).

**In the Naval Reserve there are 6 appointments to the grade of commander (list begins with Charles T. Smith) (Reference No. 538).

**In the Navy there are 3 promotions to the grade of commander and below (list begins with Barbara M. Bradley) (Reference No. 539).

**In the Navy there are 47 appointments to the grade of ensign (list begins with Danelle Barrett) (Reference No. 540).

**In the Navy there are 36 appointments to the grade of ensign (list begins with Michael Bard) (Reference No. 541).

**In the Air Force Reserve there are 55 promotions to the grade of colonel (list begins with Gary D. Bailey) (Reference No. 542).

**In the Air Force Reserve there are 203 promotions to the grade of lieutenant colonel (list begins with Seymour H. Brickman) (Reference No. 543).

**In the Air Force there are 2,062 promotions to the grade of lieutenant colonel (list begins with David W. Abati) (Reference No. 544).

**In the Army Reserve there are 155 promotions to the grade of colonel and below (list begins with Thomas A. Anderson) (Reference No. 545).

**In the Army there are 773 promotions to the grade of colonel and below (list begins with Richard J. Arold) (Reference No. 546).

**In the Naval Reserve there are 199 promotions to the grade of captain (list begins with Constante Uban Abaya) (Reference No. 547).

**In the Naval Reserve there are 309 promotions to the grade of commander (list begins with James Leslie Austin) (Reference No. 548).

**In the Navy there are 1,529 promotions to the grade of lieutenant commander (list begins with Jeffrey R. Abel) (Reference No. 549).

**In the Air Force there are 15 promotions and appointments to the grade of lieutenant colonel and below (list begins with Patricia C. Stradleigh) (Reference No. 582).

**In the Navy there are 847 promotions to the grade of lieutenant commander (list begins with John D. Adams) (Reference No. 583).

*Lt. Gen. John S. Crosby, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 591).

*Maj. Gen. George A. Joulwan, USA, to be lieutenant general (Reference No. 592).

*Maj. Gen. Joseph J. Skaff, USA, to be appointed major general of the line (Reference No. 593).

*Lt. Gen. John I. Hudson, USMC, to be placed on the retired list in the grade of lieutenant general (Reference No. 595).

*Lt. Gen. Stephen G. Olmstead, USMC, to be placed on the retired list in the grade of lieutenant general (Reference No. 596).

*Lt. Gen. Bruce R. Harris, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 603).

Total: 8,756.

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. COATS:

S. 1414. A bill to amend the Communications Act of 1934 relating to obscene communications; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1415. A bill to suspend for a three-year period duty on (1)3-Quinolinecarboxylic acid, 1-ethyl-6-fluoro-1,4 dihydro-4-oxo-7-(1-piperazinyl)-, also known as Norfloxacin; to the Committee on Finance.

S. 1416. A bill to suspend for a three-year period the duty on 2,2-dimethylcyclopropylcarboxamide, also known as D-carboxamide; to the Committee on Finance.

S. 1417. A bill to suspend for a three-year period the duty on N-Amidino 3,5-diamino 6-chloropyrazinecarboxamide monohydrochloride dihydrate, also know as amiloride hydrochloride; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1418. A bill to suspend temporarily the duty on chemical light activator blend; to the Committee on Finance.

By Mr. GRAHAM:

S. 1419. A bill to amend the Rehabilitation Act of 1973 to authorize the Director of the National Institute on Disability and Rehabilitation Research to conduct research on the development of advanced technology prosthetic and orthotic devices; to the Committee on Labor and Human Resources.

By Mr. KASTEN:

S. 1420. A bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes; to the Committee on Small Business.

By Mr. GORE (for himself and Mr. MCCAIN):

S. 1421. A bill to provide for the imposition of sanctions on persons who export, transfer, or otherwise engage in the trade of certain items in violation of laws and regulations implementing the Military Technology Control Regime; to the Committee on Foreign Relations.

By Mr. FOWLER (for himself, Mr. LUGAR, Mr. LAUTENBERG, Mr. ADAMS, Mr. LIEBERMAN, Mr. GORE, Mr. PRYOR, Mr. SANFORD, Mr. PELL, Mr. MATSUNAGA, Mr. DASCHLE, and Mr. DODD):

S. 1422. A bill to provide for the improved management of the Nation's water resources; to the Committee on Environment and Public Works.

By Ms. MIKULSKI:

S. 1423. A bill to authorize a certificate of documentation for the vessel Job Site; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 1424. A bill to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Governmental Affairs.

By Mr. METZENBAUM (for himself and Mr. CHAFEE):

S. 1425. A bill entitled the "Nutrition Labeling and Education Act of 1989."

By Mr. DODD (for himself, Mr. HATCH, Mr. KENNEDY, Mr. COATS, Mr. SIMON, Mr. PELL, Mr. GLENN, Mr. ROCKEFELLER, Mr. LEVIN, and Mr. PRESSLER):

S. 1426. A bill to revise and extend the programs of the Domestic Volunteer Service

Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOSCHWITZ (for himself, Mr. HEFLIN, Mr. DOLE, Mr. LUGAR, Mr. BOND, Mr. CONRAD, and Mr. LEAHY):

S. 1427. A bill to amend the Federal Meat and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that have been seized and condemned under such Acts to charity and public agencies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES:

S. 1428. A bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices; to the Committee on Finance.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

S. 1429. An original bill to provide disaster assistance to producers who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of excess moisture, freeze, storm, or related condition occurring in 1989 or drought or related condition occurring in 1988 or 1989, and for other purposes; placed on the calendar.

By Mr. KENNEDY (for himself, Mr. MITCHELL, Mr. PELL, Mr. NUNN, Ms. MIKULSKI, Mr. DODD, Mr. ROBB, Mr. GRAHAM, Mr. SIMON, Mr. MATSUNAGA, and Mr. BUMPERS):

S. 1430. A bill to enhance national and community service, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, Mr. THURMOND, and Mr. BRYAN):

S.J. Res. 183. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; 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. DODD:

S. Con. Res. 57. Concurrent resolution to express the sense of the Senate regarding the twenty-fifth anniversary of Volunteers In Service To America; to the Committee on Labor and Human Resources.

By Mr. GRAHAM:

S. Con. Res. 58. Concurrent resolution calling on the President to award the Presidential Medal of Freedom to Armando Valladares; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COATS:

S. 1414. A bill to amend the Communications Act of 1934 relating to obscene communications; to the Committee on Commerce, Science, and Transportation.

TELEPHONE INDECENCY PREVENTION ACT

Mr. COATS. Mr. President, last year Congress overwhelmingly passed legislation requiring an outright ban on dial-a-porn services. In the recent Sable decision, the Supreme Court approved much of this law, but struck down efforts to completely ban indecent dial-a-porn.

Today I am introducing legislation which will make the law consistent with the Court's decision. This bill bans all obscene dial-a-porn and prohibits the sale of dial-a-porn to minors, both inter- and intra-state.

The legislation also imposes strict blocking requirements, which allows adults to receive indecent dial-a-porn only if they specifically request access through their local or long-distance telephone company. The new language will require that sexually explicit material be categorized under a separate prefix from other dial-it services, allowing families to protect their children from indecent material without giving up their rights to use other enjoyable and useful services such as dial-sports or weather information.

The new blocking language also places the burden for classifying messages on the service providers, not the telephone companies. In this way, I believe we are consistent with the first amendment concerns expressed by the Court.

I am pleased to note that many Indiana telephone companies already offer free blocking on request. This, however, is not enough. Often by the time parents realize their children have been using dial-a-porn services, the damage has already been done. It is not uncommon to hear of households where a several hundred dollar telephone bill has been run up before parents are aware of the situation. I believe the present compromise language gives parents control over the kind of material their children can receive within the confines of their own homes.

Mr. President, this bill is consistent with the constitutional first amendment requirements indicated by the recent Supreme Court decision. But it also accomplishes the goal toward which many of us have been working for the past several years: It keeps sexually explicit telephone material out of the reach of young children.

In addition, this compromise language has already unanimously passed the House Energy and Commerce Committee, with the support of Energy and Commerce Chairman DINGELL, subcommittee Chairman MARKEY, and ranking members LENT and RINALDO, as well as my former colleague Congressman TOM BLILEY, who has worked long and hard on this issue for the past 8 years.

I urge my colleagues to carefully examine this legislation and I hope the Senate can expedite this matter, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION AND CORRECTION OF DIAL-A-PORN SANCTIONS.

(a) Section 223(b) of the Communications Act of 1934 (47 U.S.C. 223) is amended to read as follows:

"(b)(1) Whoever knowingly—

"(A) within the United States, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

"(2) Whoever knowingly—

"(A) within the United States, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than 6 months, or both.

"(3) It is a defense to a prosecution under paragraph (2) of this subsection that the defendant restricted access to the prohibited communication to persons 18 years of age or older in accordance with subsection (c) of this section and with such procedures as the Commission may prescribe by regulation.

"(4) In addition to the penalties under paragraph (1), whoever, within the United States, intentionally violates paragraph (1) or (2) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(5)(A) In addition to the penalties under paragraphs (1), (2), and (4) whoever, within the United States, violates paragraph (1) or (2) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(B) A fine under this paragraph may be assessed either—

"(i) by a court, pursuant to a civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or

"(ii) by the Commission after appropriate administrative proceedings.

"(6) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1) or (2). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.".

(b) Section 223 of such Act (47 U.S.C. 223) is amended by adding at the end thereof the following:

"(c)(1) A common carrier shall not, to the extent technically feasible, provide access to a communication specified in subsection (b) from the telephone of any subscriber who has not previously requested of the carrier access to such communication if the carrier collects from subscribers an indentifiable charge for such communication that the

carrier remits, in whole or in part, to the provider of such communication.

"(2) Except as provided in paragraph (3), no cause of action may be brought in any court or administrative agency against any common carrier, or any of its affiliates, including their officers, directors, employees, agents, or authorized representatives on account of—

"(A) any action which the carrier demonstrates was taken in good faith to restrict access pursuant to paragraph (1) of this subsection, or

"(B) any access permitted—

"(i) in good faith reliance upon the lack of any representation by a provider of communications that communications provided by that provider are communications specified in subsection (b), or

"(ii) because a specific representation by the provider did not allow the carrier, acting in good faith, a sufficient period to restrict access to communications described in subsection (b).

"(3) Notwithstanding paragraph (2) of this subsection, a provider of communications services to which subscribers are denied access pursuant to paragraph (1) of this subsection may bring an action for a declaratory judgment or similar action in a court or before the Commission. Any such action shall be limited to the question of whether the communications which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subscribers who have previously requested such access.".

(c) Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152(b)) is amended by deleting "section 224" and inserting in lieu thereof "section 223 or 224".

(d) The amendments made by this Act shall take effect immediately upon the expiration of the 150-day period after the date of the enactment of this Act.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1415. A bill to suspend for a 3-year period duty on (1)3-Quinolinecarboxylic acid, 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl), also known as Norfloxacin; to the Committee on Finance.

S. 1416. A bill to suspend for a 3-year period the duty on 2,2-dimethylcyclopropyl-carboxamide, also known as D-carboxamide; to the Committee on Finance.

S. 1417. A bill to suspend for a 3-year period the duty on N Amidino 3,5-diamino 6 chloropyrazinecarboxamide monohydrochloride dihydrate, also known as amiloride hydrochloride; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. LAUTENBERG. Mr. President, I rise to introduce, on behalf of myself and Senator BRADLEY, three bills to suspend duties on various products. The same bills have already been introduced in the House of Representatives and have been incorporated in the miscellaneous tariff suspension bill reported from the House Ways and Means Committee.

The first bill would suspend for 3 years the duty on Norfloxacin, whose end-use product, Noroxin, is used as an oral antibiotic in treating urinary tract infections. According to the International Trade Commission, there is currently no domestic production of Norfloxacin, and the product must be imported to meet U.S. demand.

The second bill would suspend for 3 years the duty on D-carboxamide, a chemical produced outside the United States for use in the production of Primaxin, a patented antibiotic. This chemical is not produced in the United States and import duties simply add to the overall production costs of downstream consumer products. No domestic industry is known to be producing or intending to produce this chemical.

The third bill would suspend for a 3-year period the duty on amiloride hydrochloride, a chemical which is a diuretic sold by prescription. Although two other American companies are sources of the product, they do not produce it domestically.

I urge my colleagues to swiftly pass these bills, and I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter II of chapter 99 of section XXII of title I—Harmonized Tariff Schedule of the United States (19 U.S.C. 1204(a)) is amended by inserting in numerical sequence the following new item:

"(1)3-Quinolinecarboxylic acid, 1-ethyl-6-fluoro-1, 4-dihydro-4-oxo-7- (1-piperaxinyl)-, also known as Norfloxacin (provided for in item 2933.59.27, Section VI, Chapter 29).	No change.....	On or before the close of the three-year period beginning on the date of the enactment of this item

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of the Act.

S. 1416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter II of chapter 99 of section XXII of title I—Harmonized Tariff Schedule of the United States (19 U.S.C. 1204(a)) is amended by inserting in numerical sequence the following new item:

"2, 2-dimethyl cyclorpropylcarboxamide, also known as D-carboxamide (provided for in item 2924.21.50, Section VI, Chapter 29).	No change.....	On or before the close of the three-year period beginning on the date of the enactment of this item

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of the Act.

S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter II of chapter 99 of section XXII of title I—Harmonized Tariff Schedule of the United States (19 U.S.C. 1204(a)) is amended by inserting in numerical sequence the following new item:

"N-amidino -3,5 -diamino -6- chloropyrazine-carboxamide monhydrochloride dihydrate, also known as amiloride hydrochloride (provided for in item 2934.90.25, Section VI, Chapter 29).	No change.....	On or before the close of the three-year period beginning on the date of the enactment of this item

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of the Act.

By Mr. LAUTENBERG:

S. 1418. A bill to suspend temporarily the duty on chemical light activator blend; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON CHEMICAL LIGHT ACTIVATOR BLEND

Mr. LAUTENBERG. Mr. President, I rise to introduce a bill to suspend the duty on chemical light activator blend, which is a critical component of the chemiluminsecent system for chemical light products. This product is used to make the green sticks that glow in the dark. The Coast Guard uses them to see in the dark, and fishermen use them to catch fish. The ITC has indicated there is no domestic production of this chemical. This bill has already been introduced in the House of Representatives, and was included in the miscellaneous tariff suspension bill reported from the House Ways and Means Committee.

I urge my colleagues to swiftly pass this bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.30.25	A mixture of dimethyl phthalate, t-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 2917.12.20.....	Free...	No change...	No change...	On or before 12/31/92".

SEC. 2. The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. GRAHAM:

S. 1419. A bill to amend the Rehabilitation Act of 1973 to authorize the Director of the National Institute on Disability and Rehabilitation Research to conduct research on the development of advanced technology prosthetic and orthotic devices; to the Committee on Labor and Human Resources.

CLAUDE PEPPER ACT FOR AMPUTEES

● Mr. GRAHAM. Mr. President, many of my colleagues and I gathered on this floor recently to mourn the death of one of the greatest public servants of our time, The Honorable Claude Pepper. Claude Pepper was courageous, creative, clever, charming and perhaps most importantly, compassionate.

In fact, Mr. President, one of the last legislative proposals Senator Pepper offered before his death was an act of his compassion. Senator Pepper's proposal was to provide $5.5 million in 1990 and $5 million in 1991 for competitive grants to develop advanced technology prosthetic and orthotic devices for amputees.

There are 2 million amputees in this country, many of whom depend on outdated or limited-capability prosthetic devices. Current research and development efforts in this area are hindered by high startup costs and a limited market demand. Yet the need is not lessened by these factors.

Congress is addressing other comprehensive, legislative proposals to improve education and employment opportunities by eliminating discrimination in the public and private sector. This bill is a complement to those efforts, as it will lead to the opportunity for many Americans to live more normal, comfortable and productive lives.

Mr. President, in honor of Senator Pepper's work on this initiative, I am introducing the text of his legislation today and calling the bill, "the Senator Pepper Act for Amputees."

I ask unanimous consent that the text of the bill be included in the RECORD at this point.

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

S. 1419

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 "Claude Pepper Act for Amputees".

SEC. 2. PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—Section 204(b) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)) is amended by adding at the end the following new paragraph:

"(16) Conduct of a research program under which funds are made available to Federal, State, and local government agencies, and to qualified private and public organizations—including but not limited to accredited institutions of higher learning—for the development of advanced technology prosthetic and orthotic devices. Research conducted under the preceding sentence shall include research on the development of lower limb devices and upper limb devices, research on useful applications of modern materials, and research on new methods of utilizing body power.".

(b) REGULATIONS.—The Secretary of Education shall prescribe regulations to carry out section 204(b)(16) of the Rehabilitation Act of 1973 (as added by subsection (a)) before the end of the ninety-day period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 201(a)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 671(a)(2)) is asmended—

(1) by striking "$58,000,000 for fiscal year 1990," and inserting "$63,550,000 for fiscal year 1990,"; and

(2) by striking "$60,378,500 for fiscal year 1991" and inserting "$65,378,500 for fiscal year 1991"; and

(3) by inserting before the period the following: "and of which $5,550,000 for fiscal year 1990 and $5,000,000 for fiscal year 1991 is authorized to be appropriated for the purpose of carrying out section 204(b)(16): *Provided,* That of the amounts authorized to be appropriated to carry out section 204(b)(16), at least 10 per centum in any year is authorized to be appropriated for the purpose of making grants to providers of prosthetic and orthotic services who are approved to provide such services under contract or other agreement with the Department of Veterans Affairs.".●

By Mr. KASTEN:

S. 1420. A bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes; to the Committee on Small Business.

CORPORATION FOR SMALL BUSINESS INVESTMENT CHARTER ACT

Mr. KASTEN. Mr. President, I am pleased to introduce today legislation which would create a Corporation for Small Business Investment [COSBI].

This legislation is designed to promote capital formation in the small business community. Venture capital plays a critical role in the growth and development of any small business. Some of America's biggest, most recognized firms were once small businesses which received the boost they needed from venture capital.

Apple Computers, Federal Express, Cray Research, and Genentech are a few examples of firms which have thrived partly because of the availability of venture capital funds.

Venture capital funds have fueled the development of new businesses and technologies. Venture capital funds help get these new developments out of an entrepreneur's garage and into a factory and the marketplace. These small firms provide the lion's share of new jobs in America, with 80 percent of the jobs created during our economic recovery having come from small businesses. Fast-growth companies, which represent just 7 percent of all businesses, create 67 percent of all new jobs.

We, as a nation, must have a market-oriented investment policy which encourages the growth of venture capital funds. My colleagues already know of my strong support for reducing the capital gains tax, which is an essential component of any plan to increase the flow of capital into the marketplace. Passage of the COSBI legislation is another critical step.

What would COSBI do? This legislation would address the nagging problems of the only small business venture capital program sponsored by the Federal Government. Right now, a small business in need of capital has only three real options. The first is to seek traditional bank financing. The second is to work with a private venture capital firm. The third option, and the one my bill would address, is to seek funding from a Small Business Investment Company [SBIC].

The SBIC program is administered by the Small Business Administration [SBA], and fills a financing gap between bank loans and pure venture capital options. Created in 1958, the SBIC program brought about a national network of venture capital companies licensed by the SBA, which help expand the pool of capital available to small businesses. SBIC's make equity investments in small businesses, make long-term loans, and arrange mixed financings. SBIC's also provide managerial and professional counseling to small businesses seeking financial assistance.

Unfortunately, the entire SBIC program has been damaged because of the continuing budgetary restrictions that are placed on the program. Over the past five years, there have been repeated attempts to eliminate the SBA and, therefore, the entire SBIC program. While those efforts have been defeated, funding for the program is still insufficient, and the financial markets are very wary about an industry with such a rocky recent past.

What has been the result of this uncertainty? In 1985, there were a total of 535 SBICs. By 1988, that number had plunged to 416—a 22-percent drop. Without prompt congressional action, this industry will be in serious jeopardy.

The COSBI legislation will revamp and revitalize the SBIC industry, opening up the program to private investors and private management. We will let those who best know the SBIC industry control its destiny.

The Corporation for Small Business Investment legislation will phase out all direct Federal involvement over a 10-year period, and fully privatize the program. Eventually, COSBI will replace the SBA as guarantor of debentures issued by SBIC's. In the meantime, the Corporation would service and manage, on a fee for service basis, the outstanding SBIC debenture port-

folio. As these debentures mature, the Corporation would gain the ability to guarantee increasing amounts of new issues.

COSBI will raise new capital for the SBIC industry by issuing non-Government guaranteed securities, along the lines of the program operated by Fannie Mae and Ginnie Mae. COSBI will also have the ability to raise funds by issuing common and preferred stock to investors.

COSBI will be a private, for-profit corporation. It will be owned by the SBIC industry, which will be required to invest $20 million for an initial capitalization of the Corporation. This equity will be held in the form of voting common stock by the SBIC's.

COSBI will be governed by a 15-member board of directors, with 9 elected by the industry, one selected by the minority enterprise SBIC (MESBIC) industry, and 5 appointed by the President, subject to confirmation by the Senate.

COSBI will also provide for a special trust fund for a special segment of the SBIC industry, known as minority enterprise SBIC's or MESBIC's. These SBIC's are currently administered in a different manner than regular SBIC's, because their loans and investments, which go to firms which are socially or economically disadvantaged, have a higher default rate than regular SBIC investments.

The trust fund, which would be capitalized by a 5-year transfer of funds at current appropriations levels, would cover interest rate buydowns and any loan losses on MESBIC loans.

Cost estimates for this legislation project a fiscal year 1990 outlay of $18 million, and a fiscal year 1991 cost of $31 million. Total cost over the first 5 years is expected to be $149 million. Over a 10-year period, however, there will be substantial cost savings to the Government. In the out years, the declining service fees paid to COSBI will be more than offset by program savings. After 10 years, there will be no Federal cost at all. This legislation is a net revenue raiser over the long term.

During the first 10 years, while the Corporation is growing and the program is being transferred, the Secretary of the Treasury will have the authority, subject to congressional approval, to purchase COSBI securities up to a level of $500 million. The financial markets perceive this type of a backstop as a demonstration of significant Federal interest in the institution, and enables the Corporation to offer slightly lower rates of return. After 10 years, the Treasury authority, and therefore the backstop, would be eliminated.

COSBI will be subject to congressional and SBA oversight. A rigorous auditing program is required, and the SBA maintains rulemaking authority, to ensure that the Corporation is run in a fiscally sound, marketwise manner.

Mr. President, this legislation is good for the Federal budget, good for the small business community, and good for America. I look forward to prompt action in the Small Business Committee on this important bill, and I urge my colleagues to support this effort to provide a steady flow of capital to this Nation's small, emerging businesses.

Mr. President, I ask unanimous consent to submit for the RECORD the following summary of the provisions of this legislation:

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

SUMMARY OF MAJOR PROVISIONS

The Small Business Act of 1958 will be amended by adding the following provisions relating to the creation and operation of the Corporation for Small Business Investment.

(A) TRANSFER AND PHASEOUT

All SBICs will have three months from the time the Corporation notifies the SBA that it is ready to conduct business to qualify to be licensed under the new provisions. Licensees in good standing which make the required capital contribution will automatically qualify. SBICs which elect not to qualify and do not make the required contribution will either liquidate or convert to non-SBIC status.

(B) THE CORPORATION

Purpose.—To establish a Government-sponsored private corporation financed by private capital which will serve as a secondary market and warehousing facility for loans and investments in SBICs, to improve the distribution of investment capital available for small business concerns, and to encourage the formation of new SBICs. The Corporation will have its principal office in the District of Columbia, and will be exempt from all state and local taxation, except for real property owned.

The board of directors

Interim Board.—Not later than 60 days after enactment of this legislation, the President shall appoint an Interim Board of Directors and designate one member as Chairman. The interim board will consist of 5 members, one a representative of small business, one an owner or operator of small business, two who are representatives of SBICs, and the Administrator of the SBA. The interim board will arrange for the initial offering of common stock to the SBICs.

Permanent Board.—The permanent board will consist of 15 directors, nine elected by the SBICs, one elected by the three trustees of the MESBIC trust (described below), and five appointed by the President with confirmation by the Senate. The SBIC-elected directors will serve annual terms, and the Presidential appointees, one of whom will always be a representative of small business and one the Administrator of the SBA, will serve staggered five-year terms. The permanent board will determine the general policies of COSBI.

Capitalization.—For COSBI's initial capitalization, the Corporation will undertake a common stock offering to each SBIC to raise a minimum of $20 million. The SBIC's will purchase a minimum number of shares on the following formula basis:

One percent of the SBIC's private capital, plus

One percent of the principal balance of the SBIC's outstanding SBA-guaranteed debentures (the Board may exempt any debentures having maturities of 3 months or less).

Additional capital may be raised by requiring those SBICs that secure financial leverage from COSBI on a continuing basis to make a capital contribution not to exceed one percent of the amount of that leverage.

Common and Preferred Stocks.—COSBI will issue voting common stock in an initial amount of 100,000,000 shares. That maximum amount can be increased or decreased by a vote of a majority of the holders of the outstanding shares. The shareholders may also authorize the issuance of nonvoting common stock and nonvoting preferred stock, which can be converted into common stock. The board will fix the par value of all stock.

Obligations and Securities.—By a majority vote of the entire Board of Directors, COSBI is authorized to issue debt securities bearing such terms and conditions as determined by the Corporation with the approval of the Secretary of the Treasury. No obligations other than Treasury-approved debt securities may be offered during the first five years of operations.

A maximum debt to capital ratio of 33 to 1 shall apply to COSBI debt issuances, unless a greater ratio is adopted by SBA. COSBI is required to make clear in language on these obligations that they are not guaranteed by the United States and do not constitute U.S. debt. Such securities may be redeemed before maturity, and COSBI may issue subordinated obligations which may be converted into common stock. All COSBI paper will be considered exempt securities by the Securities and Exchange Commission.

As an emergency "back-stop," the Secretary of the Treasury is authorized, subject to the prior appropriation of funds by Congress, to purchase up to $500 million in COSBI securities if the Corporation needs additional federal support at some time in the future. This provision allows COSBI, like other Government-sponsored enterprises, to be deemed an "agency" of the United States and gives COSBI securities the investment status of other federally guaranteed obligations. However, both the backstop and the authority provided therein will be eliminated after ten years.

Loan and Investment Operations.—COSBI may purchase, sell, offer participations or pooled interests in, or otherwise deal in, SBIC securities. COSBI may guarantee securities based on or secured by pools or trusts of SBIC securities.

(C) QUALIFICATION OF SBIC'S

COSBI shall adopt criteria for the qualification of SBICs to conduct business with the Corporation, and such criteria shall include the business reputation of owners and management of SBICs, and the probability of their successful operation.

Each new licensee shall have private capital of not less than $1 million, as is the case under current SBA regulations. Each SBIC may purchase COSBI stock, borrow money, and issue debentures or other obligations as authorized by COSBI.

National Banks, and Federal Reserve member banks and non-member insured banks, as permitted by state law, are authorized to purchase ownership interests in SBICs up to an aggregate of five percent of the bank's capital and surplus, as provided

for under the current exemption from the Glass-Steagall Act.

(D) OPERATIONS OF SBIC'S

COSBI will contract with each SBIC to govern their operations, and COSBI will adopt rules governing the basic activities of SBICs. As under current law, SBICs are authorized to make equity investments and loans to small businesses, either directly or in cooperation with other investors or lenders. The following six major regulatory restrictions are also adopted from current law:

(1) Prohibition on engaging in unlawful or non-SBIC activities.

(2) Prohibition against conflict of interest transactions.

(3) Prohibition against control of small firms.

(4) Restriction of investments to only qualified small businesses and for a minimum investment period.

(5) Required diversification of investment risk, prohibiting an SBIC from investing more than 20 percent of its private capital in any one small business.

(6) Prohibition against investment in passive businesses, foreign companies, relending activities, or the acquisition of real estate.

COSBI may not provide more than ten percent of its assets to any one SBIC, and must develop regulations to minimize the risk of loss on SBIC obligations and adopt measures to assure compliance. Non-compliance may result in termination or suspension of an SBIC's license. SBIC loans will be exempt from state usury laws unless the state votes against the exemption. Finally, each SBIC will be required to have annual financial and biannual compliance audits, made by independent CPAs or by COSBI, and to make any reports to COSBI as required.

(E) THE MESBIC TRUST

The existing Minority Enterprise Small Business Investment Company (MESBIC) Program, which provides a three percent subsidy on MESBIC debentures, will essentially be continued by replacing the SBA with a Trust as administrator of the program. The Trust would be governed by an agreement between COSBI and five trustees, three to be selected by the MESBIC industry and appointed by the Board of Directors, one to be appointed by the President and confirmed by the Senate, and one to be the Chairman of the COSBI Board. The Trust will terminate fifty years after enactment.

The MESBIC trustees are given full authority to administer, sell, invest and reinvest the trust estate. An initial trust fund capitalization will occur by transferring the regular appropriations for the MESBIC program to the trust. This will occur for the first five years of the organization, providing a total capitalization of $150 million. SBA would also transfer to the trust all preferred MESBIC stock and debentures not in liquidation which it holds. The Trust can purchase preferred stock in COSBI, subject to certain limitations, and may purchase or guarantee debentures with a 15-year subsidy of four points interest.

(F) AUDITS, REPORTS, AND REGULATIONS

The SBA will have review authority over the Corporation to examine all of its rules and regulations governing operations of SBICs, and may examine all the books and records of COSBI. The SBA shall report annually to Congress on these reviews.

COSBI's accounts shall be audited annually and a report of the audit will be furnished to the Secretary of the Treasury, who will also have access to all COSBI's books and records. The Secretary shall then make a detailed report of the audit to the President and the Small Business Committees within a 6 months of the end of the Fiscal Year. COSBI's books and records will also be subject to audit by GAO upon the request of either Small Business Committee. Finally, the books and records of the Corporation shall be subject to audit by the SBA Inspector General. The Inspector General shall also have audit authority over the books and records of individual SBICs or MESBICs if he has reasonable cause to believe that they have violated any regulations governing their operations or has probable cause to believe that they have committed civil fraud or a crime.

COSBI is also required to transmit a report of its operations and activities to the President, the Small Business Committee and the SBA as soon as practicable at the end of each Fiscal Year.

SBA is authorized to make such rules and regulations as shall be necessary and proper to insure the purposes of this Act are accomplished, and such shall be made on the record after opportunity for hearing in accordance with the Administrative Procedure Act.

(G) MANAGEMENT AND SERVICING OF THE PORTFOLIO

COSBI will administer, manage, and service the SBIC program on a fee for service basis. The outstanding SBA-backed securities, which will decline as a percentage of total securities over a ten-year period, will be serviced by COSBI. The SBA guarantees will remain in effect for those securities already issued.

The Administration will pay an annual service fee to COSBI, based on the following formula:

(1) 2 percent per annum of the average annual principle balance outstanding on all such securities issued by licensees in good standing and held by the Federal Financing Bank, private investors, or the Administration; and

(2) 3 percent per annum of the average annual balance of the total principle and interest due the Administration from securities held that are in default or liquidation.

(H) OVERSIGHT

The Small Business Committees shall be afforded access to all COSBI's books and records. GAO shall prepare a report to go to the Committees which will review the impact that COSBI has had on small business and SBICs, as well as the financial situation of the Corporation.

By Mr. GORE (for himself and Mr. McCAIN):

S. 1421. A bill to provide for the imposition of sanctions on persons who export, transfer, or otherwise engage in the trade of certain items in violation of laws and regulations implementating the Military Technology Control Regime; to the Committee on Foreign Relations.

GORE-MC CAIN MISSILE AND PROLIFERATION CONTROL ACT

● Mr. GORE. Mr. President, I rise today to introduce the Gore-McCain Missile and Proliferation Control Act.

The transfer to third countries around the world of ballistic missiles capable of delivering weapons of mass destruction and of technology needed to produce such missiles is an assault on global security. Recognizing this, in 1987, the United States joined with six other nations—Canada, Japan, France, the United Kingdom, Italy, and the Federal Republic of Germany—to establish the Missile Technology Control Regime [MTCR], which aims to prevent such transfers.

The creation of the MTCR was an important step forward. Nevertheless, transfers of items and technologies proscribed by the MTCR continue, and it is clear that some tough punitive measures are needed to give bite to the non-transfer policy. Today therefore, I am joining with my colleague Senator McCAIN, to introduce the Gore-McCain Missile and Proliferation Control Act, as a way of meeting that need. A substantially parallel measure has already been introduced in the House of Representatives by Congressman HOWARD BERMAN, as an amendment to that body's defense authorization bill. Tuesday, it passed by the overwhelming vote of 417 to 9.

In taking this step, both Senator McCAIN and I wish to recognize the work of Senator BINGAMAN, whose hearings on this issue in the Defense Industry and Technology Subcommittee underscored the need for legislation, and who has already introduced a bill of his own on this subject, which—despite certain differences of approach—shares with ours the objective of expanding the scope and impact of the MTCR.

Let me turn now to a capsule summary of our bill.

Our bill applies to United States persons, foreign persons from countries other than LDC's, and to foreign persons from LDC's. United States persons may not export, transport, conspire or knowingly facilitate the export or transport of any MTCR item, in violation of the Arms Export Control Act or Export Administration Act. Foreign persons from countries other than LDC's may not export, transport, conspire or knowingly facilitate the export or transport of any MTCR item, which the U.S. Government would not allow.

Like United States and foreign persons, LDC persons may not export, transport, or conspire or knowingly facilitate the transport or import of MTCR items. In addition, LDC nations may not import long-range missile systems for the delivery of weapons of mass destruction, or equip their forces with new or additional missile systems or other weapon delivery systems configured to use weapons of mass destruction.

United States persons may be denied export licenses, contracts with the U.S. Government, procurement of products or services from the U.S. Government. Foreign persons from na-

tions which are not LDC's may be denied the transactions listed above, and may be prohibited from importing any product or service into the United States.

In addition, in cases where an LDC is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction, then: Such nations can be denied any form of technical assistance in aviation, electronics, missiles, or space systems or equipment under the control of the U.S. Government, or the transfer of any such technologies. In addition, they may be prohibited from importing into the United States any or all items relating to aviation, electronics, missiles, or space systems or equipment.

It is the President who makes these determinations. He may also draw a distinction between repeated and destabilizing offenses on the one hand, and initial and nondestabilizing offenses on the other. In the former case, the maximum penalty may apply; in the latter case, penalties are restricted to transactions relating to aviation, electronics, missiles, or space systems. Penalties apply over a range of not less than 2 nor more than 5 years.

Sanctions proscribing procurement may be waived upon certification by the President that the product or service which would otherwise be blocked is essential to the national security; that there is no other source of supply; and that the U.S. Government is the end user. In any event, the punitive elements of the bill do not take effect for 6 months after enactment, in order to allow a reasonable minimum period of time for the closing out of preexisting contracts. Sanctions would not be invoked in cases where transfers have been properly licensed by other MTCR governments.

Finally, the administration is required to detail and assess the efforts of all foreign countries to acquire and produce long-range missile systems and destabilizing offensive aircraft, and the efforts of Communist countries to aid or abet other nations in their efforts. Similar information is required on all companies that have provided or continue to provide such assistance to foreign countries. Such information in a report, however, is not required if it would jeopardize the national security of the United States or compromise sensitive intelligence operations.

We believe this is a balanced and well-crafted approach to the problem. It does not make foreign policy; it backs up the policy that has already been made. Mr. President, with permission, I also wish to include for the record a statement by Senator McCain.

I ask unanimous consent that the Gore-McCain bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1421

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 "Gore-McCain Missile and Proliferation Control Act".

SEC. 2. POLICY.

(a) In General.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) Multilateral Diplomacy.—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) Unilateral Actions.—The United States retains the right to and should take unilateral actions to pursue the objectives in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 3. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) Determination by the President.—Whenever there is reliable evidence, as determined by the President—

(1) that a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(2) that a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(3) that a less developed state or entity—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction,

then, subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b).

(b) Sanctions.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B) shall apply, but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) Prohibiting the importation into the United States of any product or service of such foreign person.

(D) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B) shall apply, but only with respect to MTCR items.

(3) The President shall take appropriate steps to dissuade less developed states or entities from developing and deploying destabilizing offensive missiles. Whenever the President determines that such missiles can be used by a non-MTCR country to deliver weapons of mass destruction, one or more of the following sanctions shall be applied to a state or entity under subsection (a):

(A) Denying or reducing all technical assistance relative to, and denying transfer of

all or selected technology in, aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(B) Prohibiting the importation into the United States of all or selected items of aviation, electronic, missile, or space systems or equipment.

(4) Sanctions shall be imposed under this section for a period of not less than 2 years and not more than 5 years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regulations referred to in subsection (a)(1)(A) and such foreign person is a national of such country or, in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

(e) EFFECTIVE DATE.—The provisions of this section shall take effect 6 months after the date of enactment of this Act.

SEC. 4. REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) REPORTS.—Not later than 90 days after the date of enactment of this subsection, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives and the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report described in subsection (b).

(b) CONTENTS OF REPORT.—(1) Each report referred to in subsection (a) shall detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapons, together with an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under this section shall include an assessment of whether and to what degree any Communist-bloc country has aided or abetted any foreign country in its efforts to acquire weapons systems, material, and technology described in paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Such report shall also include an assessment as to whether any company listed in paragraph (3)(A) or (3)(B) aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each report under this subsection shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) INTERPRETATION.—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained therein; or

(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

(A) jeopardizes the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outline in section 2; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 5. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that is not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense.".

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term "United States person" means "United States person" as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(2) the term "foreign person" means any person other than a United States person;

(3) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and includes the singular and plural of such natural persons and entities, and any successors of such entities;

(4) in the case of Communist-bloc countries, where it may be impossible to identify a specific governmental entity, "person" shall mean all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime, plus all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment;

(5) the term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred;

(6) the term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987; and

(7) the term "less developed states" does not include any member of the political organs of NATO, any member of the Warsaw Treaty Organization, Austria, Australia, Israel, Japan, New Zealand, or Switzerland.

SEC. 7. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.●

● Mr. McCAIN. Mr. President, during the last year we have seen a long series of new articles discussing the transfer of chemical, biological, and nuclear warfare technology to the developing world. At the same time, we have seen a similar stream of articles talking about the development of new long-range missile systems and the transfers of fighter-bomber aircraft that can deliver weapons of mass destruction.

It is clear that we need legislation to fight this trend toward proliferation that establishes tight controls on U.S. manufacturers, that discourages other Western and developed states from transferring such technology, and that discourages developing states from acquiring, deploying, and using weapons of mass destruction. It is equally clear that we need actions, rather than words.

The Gore-McCain Act is intended to provide such action. It is the product of close cooperation with Congressman BERMAN in the House, and of prior work by all our staffs with that of Senator BINGAMAN.

It is designed to complement the legislation that already exists to halt nuclear proliferation. It is designed to complement the legislation to halt the proliferation of chemical and biological weapons contained in the bills put before the Senate by Senators DOLE and PELL, and which I helped formulate and cosponsored. It is designed to complement the bill to strengthen the missile technology control regime set forth by Senator BINGAMAN, and which I have also cosponsored.

I believe that Senator GORE, Senator BINGAMAN, and I share the goal of helping to create the kind of interlocking legislation that will allow us to come to grips with the next major problem in arms control: Blocking the proliferation of weapons of mass destruction in the Third World.

The bill does more than strengthen the Missile Technology Control Regime, which is the primary focus of Senator BINGAMAN's bill. It sends a clear signal to all buyer and seller states, including those in the developing world, that the United States is prepared to apply the same kind of sanctions to anyone who seeks missiles to deliver weapons of mass destruction that it will apply to anyone who seeks those weapons.

The reasons for this bill are all too clear from today's news, and there have been a host of news and intelligence reports focusing on these problems during the last year. Each of these reports has made it clearer that the pace of proliferation in long-range missiles and other weapons systems that can be used for the delivery of weapons of mass destruction is becoming faster than we have previously feared.

Recent events have made it clear that we should not wait to introduce such legislation, and that we need to make it clear to both the exporters of long-range offensive weapons, and the importers, that the United States has the will and courage to force foreign firms and entities to make a clear choice between the limited profits to be made from proliferating the tools of mass destruction, and access to U.S. technology and the American market.

We have already seen that the current arms race in the developing world can lead to the death of hundreds of thousands of people, and the creation of millions of refugees. We have seen that far too many of the world's poorer states are willing to mortgage their future by spending far more than they can afford on conventional arms.

It is all too clear that we to take firm action to establish suitable deterrents to persuade countries from importing such weapons and technology, and suitable deterrents to indigenous efforts. We need to have the courage to recognize the fact that the problem is one which primarily affects less developed states, and which must be targeted toward those states that are seeking new weapons delivery systems of the kind whose primary purpose is to deliver weapons of mass destruction.

There can be no question that this situation will be horribly worse if more and more less developed states indulge in an arms race in long-range missiles, in long-range bombers, in chemical weapons, in biological weapons, in nuclear weapons, and in the kind of advanced conventional weapons that can be used to cripple national economies and infrastructures.

I have discussed these developments in detail in a forthcoming article in the Strategic Review, which I request be reprinted in full in the RECORD. This article makes it clear that this kind of arms race is not a matter of nationalism, prestige, or sovereign rights. It is a matter of self-destruction and genocide. It is not a matter of legitimate trade, it is literally a matter of merchants of death.

I cannot believe that a world filled with regional conflicts, and new and ancient hatreds, can survive such proliferation. There simply are too many regimes whose leadership is as indifferent to the fate of other states as it is to the fate of their own people. Given the economic and political pressures on the developing world, even today's most stable regimes may be replaced with tomorrow's extremists.

Today's limited steps towards proliferation may be replaced with a race towards every possible form of proliferation. The end result is virtually certain to be the use of weapons of mass destruction and genocide. If not tomorrow, or next year, during the next decade or the decade after that.

Even if we in the United States, the West, or the First and Second Worlds, can escape the direct costs of such an arms race, we cannot escape the constant threat it will pose to our strategic interests, our military forces, and eventually to our populations. The world is now a very small place, and every advance in weapons is making it smaller. It would be an unspeakable tragedy if we were to resolve the tensions between East and West only to see them reoccur in the Third World.

This is why I believe we need to act quickly and decisively on this bill, the Bingaman bill, and on the bills that Senators DOLE and PELL have put down ralating to chemical and biological weapons. The proliferation of weapons of mass destruction threatens our very future, and we cannot let short-term expediency blind us to that fact.

I ask unanimous consent to have printed in the RECORD the previously mentioned article.

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

PROLIFERATION IN THE 1990S: THE IMPLICATIONS FOR AMERICAN POLICY AND FORCE PLANNING

(By Senator John McCain)

It is not easy to predict America's future strategic priorities. Even the strongest trends can be upset by unexpected political, economic, and military events. No one, for example, predicted Glasnost or Peristroika, or the events in China. No one predicted the intensity of the struggle for freedom in Afghanistan, or the length of the Iran-Iraq War. Nevertheless, it seems almost certain that the U.S. will face major security problems with proliferation in the 1990s, and that these problems will have a very different character from the proliferation problems of the past.

As a result, the U.S. needs to take a new approach to the subject of proliferation. It needs to stop dealing with nuclear proliferation, chemical and biological weapons, and missiles on a piecemeal basis, and to deal with all the major causes of proliferation in an integrated way. It needs to take a long term approach to proliferation, rather than one of short term expediency. It needs to stop distinguishing between "good" proliferators and "bad" proliferators, and realize that the problem affects the entire developing world. Finally, it needs to consider how to redesign its own force posture in an era where power projection is likely to become steadily more important, but the term "low intensity combat" is certain to become little more than a misnomer.

THE CHANGING NATURE OF PROLIFERATION

Proliferation cannot be dealt with as if it were driven by whatever military development appears most threatening at a given moment. The two forms of proliferation that has attracted the most attention during the last year have been the use of chemical weapons in the Iran-Iraq War, and the efforts of many developing countries to acquire long range missiles. Both forms of proliferation represent very serious dangers, and major changes in the capabilities of less developed states, but they are only part of a much broader process:

In spite of the Nuclear Non-Proliferation Treaty, states like Argentina, Brazil, India, and Pakistan are making major advances towards developing a nuclear weapons capability. There also are strong indications that some of the most advanced developing nations are now fully familiar with the design and manufacturing of enhanced radiation or neutron weapons, enhanced yield fission weapons, and thermonuclear or fusion weapons. Further, laser isotope separation and centrifuge methods of enrichment are becoming far more practical, as are various other methods of obtaining fissile materials.

Long range surface-to-surface missiles have a special technical glamour, but the proliferation of long range offensive aircraft is equally important. Aircraft like the Tornado and Su-24, and the spread of refueling capability, is doubling and tripling the strike range of developing countries. If these same aircraft were used to deliver nuclear weapons in one-way missions, they could fly several thousand miles. Manned aircraft also offer the advantage that they do not require advanced targeting and missile testing systems, and are likely to be far more accurate under operational conditions than missiles. Further, most developing countries do not have the kind of air defense systems that offer more than minimal capability against low altitude penetrators.

Conventional weapons have repeatedly shown since World War II that they can produce all the damage of weapons of mass destruction. The most lethal single struggle in modern times has been the civil struggle in Cambodia, where the Pol Pot regime decimated the Cambodian people. The Afghan conflict has produced millions of refugees. Conventional arms transfers have also imposed a crippling burden on many developing states, virtually halting their economic development or efforts to increase per capita income. And, the basic character of conventional arms transfers is changing radically. The spread of precision guided weapons is giving a wide range of countries the ability to strike at key economic facilities such as refineries, desalinization plants, and power plants, as well as aircraft and ships.

THE FORCES DRIVING PROLIFERATION IN THE THIRD WORLD

There can be no doubt that proliferation in the Third World is becoming a major

challenge to world peace. While any list of the nations involved in the proliferation of nuclear, chemical and biological weapons, delivery systems, and "smart" conventional weapons is necessarily speculative, no region in the world seems free of states that are at least investigating new forms of proliferation. Table One provides a rough indication of the seriousness of the problems involved, given the number of countries that are now reported or suspected to either be developing such weapons or have actually deployed them.

Many of the nations listed in Table One are doubtful, and others are only investigating weapons of mass destruction for defensive or deterrent purposes. It is totally unrealistic, however, to rely on the hope that such efforts will remain limited to research or a contingency capability, or will simply end in some form of deterrence.

TABLE 1.—THE CURRENT STATE OF PROLIFERATION IN THE DEVELOPING WORLD

Country	Chemical weapons	Biological weapons	Nuclear weapons	Smart weapons	Long-range delivery systems	
					Air	Missile
Afghanistan	SD				WS	WS
Angola	SD				WS	
Argentina	SD	RD	RD	WS	WS	RD
Burma	WS					
Brazil	R	R	RD		WS	RD
Chad	SD					
Chile	R		R	WS	WS	
China (PRC)	WS	RD	WS	WS	WS	WS
Cuba	S			WS	WS	
Egypt	WS		R	WS	WS	WS/RD
El Salvador	SD					
India	R	R	WS/RD	WS	WS	RD
Indonesia	SD		R		WS	
Iran	WS	RD/WS	RD	WS	WS	RD
Iraq	WS	RD/WS	RD	WS	WS	WS
Israel	RD/WS	R	WS/RD	WS	WS	WS
Laos	SD					
Libya	WS	R	R	WS	WS	R
Mozambique	SD					
Nicaragua	SD				WS	
North Korea	WS	RD/WS	R	WS	WS	WS
Pakistan	RD	R	RD/WS	WS	WS	R
Peru	SD			WS	WS	
Philippines	SD					
South Africa	RD/WS	R	RD	WS	WS	RD
South Korea	RD/WS	R	R	WS	WS	R
Syria	WS	RD/WS	R	WS	WS	WS
Thailand	SD				WS	
Taiwan	RD/WS	R	R	WS	WS	R
Vietnam	RD/WS				WS	

R = Low level research and/or procurement effort. RD = significant research and development and/or procurement effort. SD = suspected, but doubtful. S = Suspected. WS = weapons stocks.

Estimates are based on a variety of sources, include unclassified testimony by CIA Director William H. Webster, Seth Carus, David Goldberg, Elisa D. Harris, and others, and do not reflect the estimates of the U.S. Government.

Twice this century, the First and Second worlds have demonstrated how rapidly regimes can change from democracies to ruthless authoritarian aggressors and that miscalculation can escalate into global conflict. Further, while the Geneva Convention has often been reported to have been successful in blocking the use of chemical weapons until the Iran-Iraq War, there have been eighteen other reported or suspected uses of lethal chemical weapons since the end of World War I.

The long list of conflicts in the developing world since World War II has already shown that post-colonial era is filled with pre-colonial tensions and hatreds that can turn into major wars, and that a long list of new tensions and hatreds have arisen which are of equal seriousness.

No region in the developing world is free of some form of civil or national conflict. The fighting in El Salvador, in Cambodia, in the Spanish Sahara, in Angola and Mozambique, and in Afghanistan is simply the most immediate and visible sign of such conflicts. The Arab-Israeli conflict, Iran-Iraq War, and India-Pakistan conflicts may be quiet for the moment, but these states are now the centers of both a conventional arms race and the new race for weapons of mass destruction.

If proliferation becomes heavily institutionalized in the Third World, no developing state will be able to stand aside if a rival acts, or be able to ignore any advance in a rival's capability. Like the arms race between East and West, developing states will be forced to develop a full spectrum of different weapons and a capability to deliver such weapons at a wide range of different levels of escalation.

There is a very real risk that developing states will repeat all of the mistakes of the U.S. and Soviet arms race under conditions that are even less stabilizing and that create far more risk. Developing states have not been through the grim experience of two world wars. They are generally far closer to their rivals, have fewer checks and balances within their leadership, and will be unable to afford the scale of forces necessary to remove any incentive for first strikes or preemptive strikes.

Stability will at best consist of mutual assured destruction, but on a far more fragile and stable level. Most developing states offer a few highly lucrative targets, and many are "one bomb" countries, where a strike on the capital or some key population center could virtually decimate the state's ruling and technical elite. Once weapons of mass destruction are widely deployed, it is virtually certain that some crisis will occur that will trigger the use of such weapons during the decades that follow.

There is also a substantial risk that many developing states will react to the current mix of uncoordinated and leaky efforts to control proliferation with the kind of covert effort that is most difficult to control, both in peacetime and in a conflict.

During peacetime, suspicion can be worse than reality. The risk that a rival has the ability to rapidly produce advanced nerve agents or biological weapons, or one or two "basement" nuclear bombs, can lead to covert efforts by a small cadre that is virtually isolated from the normal process of the state. This is the kind of weapons development and production effort that can easily get out of control, both technically and politically.

Once a crisis occurs, nations with covert capabilities will face the risk their rival could assemble and/or deploy weapons first. They will face the risk of attacks on a limited number of production, storage, and delivery system targets, and of the political shock of having a rival be first to announce the possession of such weapons first. There will be an equally strong temptation to use such weapons first, or even take advantage of the technical nature of biological and nuclear weapons to deliver such weapons covertly. Further, there already seem to have been cases where chemical weapons have been released to terrorists, and the use of proxies to deliver such weapons will often seem an attractive option.

Nations with more overt capabilities will face the problem of whether to let their rivals deploy their forces and disperse their weapons of mass destruction and key delivery systems. Preemptive attacks on air bases and missile sites will be particularly attractive, but so will attacks on the casernes and rear areas of land forces. It will often be tempting to strike at conventional forces and threaten escalation to attacks on population centers if the target country retaliates. It is highly likely that false alarms will trigger escalation or counter-escalation, and efforts to take defensive action can easily lead to mass panic.

By and large, this process of proliferation will favor extremist states with autocratic leaders. The more moderate and democratic developing states are likely to show considerable restraint and caution. History tells us, however, that this restraint will often be interpreted as weakness. It also tells us that radicals and autocrats are willing to take extreme risks in launching surprise or sudden attacks.

This does not mean, however, that there are good proliferators and bad proliferators. While there are a few special cases like Israel, with stable democratic regimes and a degree of vulnerability that can only be dealt with by developing a suitable deterrent, many of today's stable or democratic regimes may well have a very different character in the future. Most developing states face deep internal political and economic problems, and the era of military and radical coups is far from over. Given the fact that proliferation is a problem that not only affects the world today, but which will continue to face it indefinitely, no one can afford to bet the future on the current political character of any developing state.

The developed states also have no immunity from the consequences of proliferation. Neither the West nor the East can afford to ignore the process of proliferation within less developed states. Quite aside from the moral and ethical issues involved, the Iran-Iraq War has already demonstrated that the West can easily be dragged into Third World conflicts which are anything but "low intensity", which affect vital Western interests, and which involved both weapons of mass destruction and long-range precision guided weapons.

The Falklands conflict has demonstrated that sudden shifts in Third World politics can drag a Western state into Third World conflicts involving weapons of mass destruction and smart weapons, and the Afghan conflict has shown that developed states can initiate the use of weapons of mass destruction in conflicts involving developing countries. Although Soviet forces have been withdrawn from Afghanistan, the Soviets used both chemical weapons and long range missiles before they left, and the Republic of Afghanistan has since used Soviet supplied Scud missiles on its own.

THE GROWING RISKS IN THE PROLIFERATION OF CHEMICAL WEAPONS

Today's problems with chemical weapons are only halting first steps in the process of proliferation in comparison with the kind of problems we will face in the future. Chemical agents vary sharply in lethality, and their effectiveness is heavily dependent on how well they are weaponized, on targeting capabilities, and on the ability to predict weather conditions.

Only a few years ago, most developing countries showed little or no interest in chemical agents of any kind. Those that did show an interest in chemical weapons were largely content with a limited capability to produce weapons like mustard gas. They had little knowledge of targeting, weather, detection, and protection, and made no attempt to organize the kind of specialized branches in their forces necessary to deliver chemical weapons against static or maneuverable military targets.

The Iran-Iraq War, however, has triggered a broad arms race in both chemical and bio-

logical weapons. Iraq showed that chemical weapons could be used against static military targets, against the rear area of attacking forces, and even against forces near the front lines during periods Iraqi forces were on the offensive.

The Iran-Iraq War also provided the Third World with a case study in how to organize chemical forces, in the kind of chemical agents required, in the need of solving targeting and weather prediction problems, and in the ways in which "conventional" weapons systems could be adapted to deliver chemical agents. Iraq showed that less developed countries can develop chemical weapons in binary form, and in forms which can be delivered by terrorists, artillery, multiple rocket launchers, and aircraft. It provided the Third World with a case study in the relative advantages of different chemical agents, and in the value of chemical agents as a terror weapon.

The end result of the Iran-Iraq War is that many of the larger or more advanced developing countries feel they have little other choice than to develop a contingency capability to produce persistent and nonpersistent nerve gases, some of which are ten times more lethal per ounce than mustard gas.

Developing states will probably continue to develop stockpiles of mustard gas because it is relatively easy to manufacture and deploy, and has sufficient persistence to overcome most short term defensive measures. They also, however, can be expected to manufacture blood agents like hydrogen cyanide (AC), and cyanogen chloride (CK). They also can be expected to go beyond nerve agents like Tabun (GA) and Sarin (GB), and to produce advanced nerve agents like Soman (GD) and VX. The deployment of V agents will be particularly important because they kill through skin absorption, as well as inhalation.

Regardless of public declarations to the contrary, it is already clear that many such states feel they have no other choice. They feel they cannot trust their major rivals enough to allow them the lead time they can gain if they can carry out a unilateral covert effort. They cannot afford the risk of finding out in a crisis that a rival can threaten the use of such weapons without their being able to retaliate.

The current state of progress in the Third World in developing improved chemical weapons is classified, but it is obvious from unclassified testimony to Congress that many major developing countries have begun to examine both the technology necessary to produce nerve agents and the problems in weaponization. As time goes on, such states are certain to examine ways of developing the kind of near real time weather monitoring and targeting capability necessary to use such weapons effectively.

The basic technical literature necessary to make effective military use of chemical and biological weapons is well known and readily available. The USSR has provided such literature in the past as part of its technology transfer and training packages on artillery and missiles, and the key U.S. Army field manuals on the subject, that were written in the 1960s, are unclassified. The same targeting systems used to improve the targeting of conventional weapons can be readily adapted to delivering chemical, biological, and nuclear weapons.

Many developing states already have all the meteorological skills needed to provide weather and wind prediction over the battlefield, and weather satellites can be used to provide coverage over urban areas and rear area targets. Many Third World intelligence services and terrorist movements already have sufficient communications to provide more precise weather data, and it is relatively easy to develop remote sensors that can be deployed in peacetime, and triggered to provide real time data in a crisis.

Iraq showed that Third World countries can quickly find ways to develop relatively simple binary warheads and bombs that can be rapidly filled, stored in rear areas, and deployed with relative safety. It has shown that long range artillery weapons and multiple rocket launchers make excellent delivery systems that can deliver large amounts of chemical agents in relatively short periods of time, and at ranges up to 40 kilometers.

Iraq also showed that a wide range of conventional bombs can be adapted for chemical use, and that it is relatively easy to produce new ones. This allows a single fighter to carry thousands of pounds of chemical weapons, versus hundreds for a missile or artillery shell, and such weapons are almost ideally suited for the kind of low altitude delivery that ensures maximum aircraft survival. A fighter can penetrate air defenses and over the target at very low altitudes, without having to maneuver to attack a target with any precision, and can even lob such weapons into the target area at near stand-off ranges from most short range ground-based air defenses.

It is virtually certain that several developing states will soon have all the technology to greatly improve on the Iraqi experience in terms of more precise fuzing and better mixing and dispersal for its artillery warheads and bombs—changes that can easily double or triple the operational effectiveness of chemical weapons.

Missile warheads using chemical agents are already in development, and Iraq may already have such missile warheads. While today's missiles cannot carry a great deal of chemical agent, and most are too inaccurate to have high lethality even against air base targets, they all can be used as effective terror weapons against population centers and key economic area targets. Further, any country can quickly adapt civil cargo aircraft, and particularly tanker configurable aircraft, to spray chemical weapons over an urban target. Any developing country that has studied the literature on chemical weapons is already aware that any civil airliner can be adapted as a covert delivery system that could carry massive amounts of chemical weaponry.

THE EVEN MORE LETHAL THREAT POSED BY BIOLOGICAL WEAPONS

These problems will become far more serious when developing states develop effective biological weapons. Even if one ignores the growing long term threat of biological engineering and the manipulation of DNA, the facilities needed to produce today's biological weapons are substantially easier to conceal than those for the production of chemical weapons, although they require a considerable effort and considerable sophistication. An effective weapons effort requires hundreds of liters of agent. This requires special fermentation facilities for mass production, elaborate precautions in terms of sterility and personnel protection during manufacture and weaponization, and specialized warheads or dispersal systems.

Unfortunately, however, much of the technology involved is dual use technology with far fewer traceable antecedents than chemical or nuclear weapons, and the 1972 Biological and Toxic Weapons Convention, which is the key agreement affecting most developing states, has no provisions for inspection or verification. Developing states also face no difficulty in getting the cultures needed to produce the most commonly weaponized infectious agents: anthrax, cholera, plague, Q fever, tularemia, and viral encephalomyelitides. The same is true of toxins such as blue-green algal toxins, botulinum toxins, enterotoxins, ricin, saxitoxin and tetrodotoxin.

The lethality of such weapons can be illustrated by comparing them to VX nerve gas, one of the most lethal of all poison gases. Anthrax, which is one of the easiest biological weapons to produce, is nearly 100% fatal when a human being is exposed to as few as 8,000 spores. While the amount of material required for effective weaponization is classified, it seems likely that Anthrax can be weaponized in a way that is at least one hundred times more lethal per kilogram of payload than VX gas. The lethal doses for botulinal toxins are even smaller. The estimated dose for 50% lethality in human beings is only 50 millionths of a gram, and it is 1,000 to 10,000 times more lethal than VX gas.

These technical data must be kept in perspective. Biological agents have never been tested in combat. It is difficult to get anything approaching the operational lethality from given agents that their maximum lethality might indicate, and it may be difficult for developing states to achieve operational lethalities from a given weight-volume of today's biological weapons that are more than two to ten times those of VX without extensive experimentation with live animals. Achieving anything approaching the optimal dispersal of biological agents is difficult, particularly at high speeds. Biological weapons require careful attention to temperature, humidity, and the amount of sun light.

Biological agents also do not offer less developed countries the capability that nonpersistent chemical agents offer in terms of the ability to support offensives by attacks on troops near or at the front line. While such agents do not produce infectious diseases except on contact with the actual agent, it is not possible to control the spread of such agents as precisely as that of chemical weapons. Biological agents do, however, offer a highly lethal means of attacking rear areas. Some, such as Tularemia, also offer the ability to produce large scale incapacity, rather than killing mechanisms, although Tularemia is 30-60% fatal if it is not treated. Such agents can disrupt the entire rear area of an army, or produce large scale panic in a city.

Nevertheless, biological weapons are likely to be far more effective than chemical agents when they are packaged into the comparatively small payloads of most surface-to-surface missiles. The one case example of biological weapons affecting human beings is scarcely reassuring. The Soviet accident at Sverdlovsk in April, 1979 released only about 10 kilograms of dry Anthrax spores into the air. This still contaminated an area with a 2-3 mile radius, and Soviet efforts at aerial spraying, disinfection with steam and hypochlorite, decontamination, and immunization were comparatively ineffective. Even though the release was confined to the Southwest area of the city, and was scarcely optimal from a weapons point of few, several hundred people died and there seem to have been a total of at least 1,000 infections.

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Biological weapons also lend themselves to single flights or sorties over urban areas or rear areas where fighters or heavy cruise missiles can spray small amounts of agent to produce an effect over a very wide area. They are ideal for covert or terrorist delivery. A U.S. Army experiment in the 1950s found that chemical material exactly similar to Anthrax spores in size and weight could be scattered over the commuters moving into Grand Central Station in New York during rush hour, and spread the chemical over a large part of greater New York without those affected sensing anything unusual.

In one field trial, a harmless powder of cadmium sulfide was disseminated in particles of two microns in diameter from a ship traveling 16 kilometers offshore. About 200 kilograms were disseminated while the ship traveled a distance of 260 kilometers and they covered an area of over 75,000 square kilometers. Even allowing for the loss of a substantial amount of virulence due to factors like wind and heat, the same particles would have been lethal over an area of 5,000 to 20,000 square kilometers if they had been a biological weapon. It is interesting to note that a highly lethal nerve agent would only have covered 50 to 150 square kilometers.

This kind of attack with biological weapons could confront the victim of an attack with a situation where it could not clearly identify an attacker, and where a terrorist group or third nation could exploit regional tensions and appear to make another nation seem the attacker. Biological agents can also be disseminated by being attached to grenades and other light weapons and achieve considerable lethality with relatively limited amounts of agent.

Further, it is impossible to dismiss the possibility that some nation would be irresponsible enough to use a biological weapon that continued to spread infection by contact between its initial victims and people who were not directly exposed to the agent. UN studies performed as early as the late 1960s showed that only ten tons of a bacteriological agent could cover an area as large as 100,000 square kilometers with a death rate of up to 50%. In contrast, a one megaton bomb affects an area up to 300 square kilometers. Such a biological weapon could also result in epidemics or establish a new endemic disease in a given region.

If this threat sounds exaggerated, it is worth pointing out that in 1957, a new strain of flu hit Czechoslovakia, then a nation of 14 million. The resulting pandemic produced 1,500,000 reported cases of flu and a total estimated 2,500,000 cases. Nearly 50% of this total consisted of members of the work force, and the average loss in work days was six days per individual. A lethal infectious plague for which a given society was not fully prepared would be infinitely more dangerous.

THE CHANGING THREAT OF NUCLEAR PROLIFERATION

The future risks of nuclear proliferation are less clear than those of the proliferation of chemical and biological weapons. U.S. policy has strongly opposed proliferation since President Ford's speech of October, 1976, and the world has established a much stronger mix of safeguards than those that cover chemical and biological weapons. These include the Nuclear Non-Proliferation Act of 1978, the Limited Test Ban Treaty, the Treaty of Tlatelolco, IAEA safegards, nuclear supplier guidelines, and various bilateral cooperation agreements. The Congress has also legislated relatively strong sanctions against proliferation, including the Symington-Glenn amendments, which cut off U.S. economic and military aid, and strong controls on technology transfer.

This mix of safeguards is scarcely "leak proof", but it has certainly slowed down the nuclear weapons efforts of many of the countries listed in Table One, and forced the others to either keep their bombs in the basement or preserve some degree of plausible denial. In spite of India's explosion of a nuclear device in 1974, no developing nation has overtly claimed to have developed a nuclear bomb since the PRC became a nuclear power. Nuclear proliferation also remains far more costly and difficult than acquiring chemical and biological weapons.

At the same time, however, there is no doubt that uranium ore is relatively easy to acquire, and that many potential proliferators have nuclear reactors that can be used for weapons production purposes. Advances in centrifuge and laser enrichment are making it easier to acquire fissile material, as are advances in Plutonium processing. These same enrichment methods, and the spread of nuclear weapons technology, are also making it easier to develop a limited number of nuclear weapons using covert facilities.

This raises serious questions about what will happen in an era where states develop and stockpile chemical and biological weapons, and where nations like India and Pakistan are making only minimal efforts to conceal their development of nuclear weapons. The incentives to have the most advanced weapon of mass destruction are very different in a world where rival states have chemical and biological weapons, than in a world where few states have any weapons of mass destruction. As a result, a number of the nations shown in Table One may well move from research to contingency capability. Others may covertly stockpile nuclear warheads.

Iran and Iraq, for example, both attempted to revive their nuclear weapons development efforts as a result of the Iran-Iraq War. Even the restoration of democracy in Argentina did little to slow down Argentina's effort. Pakistan has pressed ahead with its effort, and there are growing reports that India not only has developed a weapons capability, but is exploring enhanced yield and radiation fission weapons and fusion weapons.

Similar pressures may revive interest in less advanced forms of radiation weapons. Radiological weapons have not been a subject of serious concern since the early 1970s, but they are practical as both military and terrorist weapons, and a comparatively large number of states have Plutonium or other material that could be made into lethal particulates. Similarly, a developing state might be willing to take the risk of creating a nuclear bomb using lower levels of enrichment, even if this meant using a much larger device, and unpredictable yields.

It is premature to sound any new warnings about a nuclear armed crowd. It is Panglossian to assume that the barriers to nuclear proliferation will be anywhere as effective in the future as they have been in the past if similar barriers are not established to the proliferation of chemical and biological weapons. The motives that drive nations to proliferate apply regardless of the precise form proliferation takes, and the action any nation takes to acquire one type of weapon of mass destruction will directly interact with the actions other nations take to acquire other types of weapons. If suitable control efforts do not take place, it is all too possible that we will see a three cornered arms race to acquire chemical, biological, and nuclear weapons in many parts of the developing world.

THE PROBLEM OF LONG RANGE MISSILES AND OTHER DELIVERY SYSTEMS

The proliferation of advanced delivery systems is still another aspect of proliferation. It is important to note that many developing states already have delivery systems that can be used to deliver weapons of mass destruction. IISS, JCSS, and SIPRI reports indicate that these include Afghanistan, Egypt, Iran, Iraq, Libya, North Korea, the PDYR, Syria, and the YAR.

THE GLOBAL SPREAD OF LONG-RANGE BALLISTIC MISSILES

Country	Missile	Producer	Status
ASIA			
India	PRITHVI	India	Under development.
	AGNI	do	Do.
Pakistan	HATF-2	Pakistan W/China	Do.
Taiwan	Sky Horse	Taiwan	Do.
North Korea	SCUD-B	N. Korea/Egypt	In service.
South Korea	NHK (mod.)	S. Korea	Do.
MIDDLE EAST AND AFRICA			
Egypt	SCUD-B	U.S.S.R	In service.
	BADR-2000 (Condor II).	Egypt/Argentina	Under development.
Iran	SCUD-B	U.S.S.R./N. Korea	In service.
	Unnamed	Iran/China	Uncertain.
Iraq	SCUD-B	U.S.S.R	In service.
	SCUD-B (Al Husayn).	Iraq-modified	Do.
	SCUD-B (Al Abbas).	do	Do.
	SS-12	U.S.S.R	Do.
	Condor II	Argentina/Egypt W/Iraq funding.	Under development.
Syria	SCUD-B	U.S.S.R.	In service.
Libya	SCUD-B	do	Do.
Saudi Arabia	CSS-2	China	Do.
Israel	Jericho	Israel	Do.
	Jericho II	do	Possibly in service.
South Yemen	SCUD-B	U.S.S.R	In service.
Afghanistan	SCUD-B	do	Do.
SOUTH AMERICA			
Argentina	Condor II	Egypt/Iraq/Argentina.	Under development.
Brazil	MB/EE series	Brazil	Do.
	SS series	do	Do.

Source: Testimony of William Webster, Director, Central Intelligence Agency, before Senate Committee on Governmental Affairs, May 18, 1989.

Many current or former Soviet arms clients have FROG rockets and Scud missiles. As Iraq has shown, the Scud can be modified for use at ranges of up to 900 kilometers. While it is scarcely advanced missile system, it is accurate enough to deliver chemical, biological, or nuclear weapons against city-sized targets. Syria already has an advanced short range Soviet-made system, the SS-21, and the PRC is widely reported to be developing an "M" series of long range missiles, at least in part for export purposes.

A number of developing nations, including Argentina, Brazil, Iran, Iraq, India, North Korea, Pakistan, South Africa, Taiwan—are working on more advanced missile systems. Some are working on missiles with ranges of over 1,000 kilometers. A few nations, such as Saudi Arabia and Libya, have either bought such advanced missile systems or are attempting to acquire them.

The problem with these weapons efforts is that they are fundamentally different in character from other weapons acquisition efforts in the developing world. Many other delivery systems can be used to deliver weapons of mass destruction. Long range missiles with conventional warheads can be used as terror weapons against enemy cities,

air bases, and the rear areas of military forces. Nevertheless, the surface-to-surface missiles now deployed in the developing world lack the accuracy and advanced conventional warheads to have any major military effect unless they are equipped with weapons of mass destruction. Regardless of any national denials to the contrary, the value of these systems lies almost solely in the implicit or explicit threat that they will be used for this purpose.

This makes controlling the proliferation of long range missiles another key part of any effective effort to control the weapons of mass destruction. They are symbols of proliferation, and every time a developing state develops or buys such weapons, it is taking another destabilizing action that triggers the broader process of proliferation that is now taking place in the developing world.

It is equally important, however, to acknowledge that offensive aircraft can be at least as effective in delivering weapons of mass destruction. Unlike missiles, aircraft are "self-targeting". They can carry payloads some five to ten times larger, and they have far more flexibility in carrying awkward payloads. They also can fly delivery patterns that make it far easier to deliver chemical and biological agents, and can offset their weapons delivery to achieve optimal results in terms of prevailing weather conditions. In many developing states, aircraft also offer a substantially higher overall level of operational readiness and reliability than missiles.

The added vulnerability of aircraft is often more apparent than real. Older aircraft, which generally have to be flown at relatively high altitudes, are vulnerable to the air defenses of developing states. However, developing states generally lack effective surveillance and warning coverage, and the kind of airborne and land based air defenses that have a high probability of kill against a few low flying attackers. Virtually all developing states depend on a high degree of strategic warning for even minimal defense capability. An attacker may face serious problems in flying the large numbers of successful sorties necessary to make effective use of conventional weapons, but faces little risk of losing an aircraft when only a few scattered sorties are required.

Accordingly, the transfer of advanced strike aircraft such as the Tornado or Su-24, can have a serious destabilizing effect if the developing nation involved is sufficiently extreme or radical to use such aircraft to deliver weapons of mass destruction. The recent Soviet transfer of Su-24 aircraft to Libya is a case in point. Coupled to the transfer of refueling capability, Libya has been provided with a delivery platform that can reach Israel, most moderate Arab states, most of Libya's potential adversaries in Africa, and even Italy and France. While Libya probably could not achieve a significant military effect if it attempted to use its Su-24s to deliver conventional ordnance, it could achieve far more significant political and military effects if it used them to deliver chemical weapons.

The risks inherent in such arms transfers make it almost as important to monitor the transfer of offensive aircraft as to take steps to halt the proliferation of long range offensive missiles. Depending on the country involved, the transfer of offensive aircraft can have a major impact on the process of proliferation. While it is impractical and counterproductive to try to halt the transfer of all advanced dual capable delivery systems, there will be many cases where every effort should be made to do so because of the particular regime involved.

The same constraints need to be applied to the technology necessary to weaponize chemical, biological, and nuclear weapons. Nothing can be done to affect the transfer of delivery systems like artillery weapons and multiple rocket launchers to the developing world. Some 22,000 modern artillery weapons and MRLs were transferred to the developing world during 1980-1987, and total world-wide inventories of suitable weapons are well in excess of 100,000.

While artillery weapons and multiple rocket launchers lack the glamour of missiles and advanced aircraft, they can deliver chemical and biological weapons in high volume and with great accuracy at ranges of up to 40 kilometers. In many areas in the developing world, this range is also sufficient to reach major population centers and rear areas.

Similarly, nothing can be done to control the transfer of less advanced attack aircraft. About 2,500 such aircraft were transferred to the developing world during 1980-1987. Most have sufficient range for a developing state to reach the capital or major population centers of its immediate neighbor, and it is important to reiterate that any major passenger, transport, or tanker aircraft can be modified to spray or disperse chemical and biological agents, or even carry a crude or low enrichment nuclear device.

What can be done is to carefully identify the subsystems and technology needed to provide efficient weaponization of chemical and biological agents. This will include specialized fuzing, storage vessels, spray and dispersal systems, and other technologies. The exact effect of such controls on the weaponization process is difficult to determine without further research, but efforts to track and control the transfer of such technology will at a minimum help to expose proliferating countries and it may help to further discourage proliferation.

"SMART WEAPONS" AND THE END OF LOW INTENSITY CONFLICT

The final change in the process of proliferation that must be considered in the 1990s is the shift in the overall conventional capabilities of developing states. A great deal of Western literature regarding developing states still talks about the low intensity combat. It is doubtful that the peoples of Afghanistan, Angola, Cambodia, Ethiopia, Iran, and Iraq would be particularly impressed within the distinction. It also is hard to determine why the U.S. or any other Western nation should treat the risks inherent in engaging a developing state with hundreds of modern jet aircraft and thousands of tanks as "low intensity combat".

The plain truth is that the arms race in the developing world has reached a level in many cases where it can produce as much devastation as any "high intensity" conflict in the developed world. At the same time, however, this arms race interacts with the arms race in weapons of mass destruction in a number of alarming ways.

The first such form of interaction is that many of the same imbalances occur in the conventional capabilities of rival developing states that occur in the capability of NATO and Warsaw Pact. These inevitably create incentives to create some form of deterrent or counterforce using weapons of mass destruction. With few exceptions, intense conventional arms races almost inevitably create at least some level of effort to develop chemical, biological, and/or nuclear weapons.

The second form of interaction results from the fact that developing states face substantially more economic problems in acquiring, sustaining, and modernizing large conventional forces than developed states. By and large, it is relatively cheap to acquire weapons of mass destruction as an alternative to expenditures on conventional weapons. This is particularly true of chemical and biological weapons.

The third form of interaction results from the fact that as developing states acquire other forms of smart or highly lethal conventional ordnance, they also acquire the capability to attack vital economic and infrastructure targets. Such targets include water facilities, power plants, refineries, key industrial plants, and the other vital nodes in a given developing economy. Such targets are often also considerably more critical than in developed states. Power and/or water failures may often lead to substantial loss of human life. Many key industrial and export facilities involve long lead time equipment that may take years to fully replace. The end result may be a substantial loss of total national income.

The resulting process of escalation will vary by country and region, but the Iran-Iraq War has already shown that there is a clear interaction between conventional escalation and the escalation of weapons of mass destruction. It also repeatedly showed that efforts to create firebreaks and barriers to attacks on civil targets broke down when either side came under military pressure.

In the future, this third form of interaction may be driven by the proliferation of much longer range missiles with smart or more lethal warheads. For example, the proliferation of today's cruise missiles would allow effective long range attacks on critical economic facilities with little or no warning. The proliferation of fuel air explosive weapons, smart mines, and more lethal anti-ship missiles are similar cases in point. All could be used to achieve serious enough damage to trigger the use of weapons of mass destruction in retaliation.

The final form of interaction is the risk that the involvement of developed states in conventional combat in support of their developing friends and allies may well lead adversary states to threaten or actually use weapons of mass destruction in ways that threaten to sharply and explosively expand what start as regional or local conflicts. U.S., European, or Soviet forces operating in support of a developed state could easily become the target of weapons of mass destruction through either overt or covert attack. The Iran-Iraq War has already posed this risk, and even more threatening cases are certain to arise in the future.

Further, the involvement of developed states may be indirect. A developing nation may use weapons of mass destruction which affect raw materials and resources which are vital to the West. A developing nation may use such weapons when it targets areas with large numbers of nationals from developed nations. Once conflict escalates to the level where a state is willing to use weapons of mass destruction, or attack the most vital interests of an opposing state, virtually any target is free game. A developing state may even calculate that such escalation will serve its interests either by forcing external help in ending a conflict or by escalating a conflict to the point where a nation like the U.S. will be forced to disengage. It is a relatively thin line that separates such a use of

weapons of mass destruction from blowing up an embassy, a Marine Corps barracks, or a passenger airline.

THE IMPLICATIONS OF PROLIFERATION FOR U.S. POLICY

The U.S. cannot unilaterally block the move towards proliferation in the developing world. In fact, no foreseeable combination of developed and developing states can hope to create a mix of barriers that will somehow put the Genie back in the bottle. The U.S. can, however, take the lead in making the world aware of the seriousness of the problem, in setting an example for other states, and in using its economic and technological power to fight proliferation. It also can adapt its force planning and strategy to take account of the fact that the character of power projection will change radically over the next few decades.

If the U.S. is to accomplish these goals, it is going to have to adopt the following policies:

It is going to have to take the risk of proliferation seriously, not just use rhetoric or pass exhortative legislation. It is going to have to use a mix of public exposure, diplomatic pressure, and sanctions, and to give priority to minimizing the overall risk of proliferation over immediate regional and bilateral concerns. It must stop trying to target individual or terrorist countries, and deal with all of the countries that are shaping the problem.

It is going to have to treat proliferation as a long term problem which must be dealt with in terms of cumulative risk, not on a case by case basis. it must be flexible enough to do everything possible to halt proliferation, but then minimize the scale of proliferation when it becomes inevitable. It must recognize the fact that the risks of proliferation rarely lie in an immediate crisis, but rather in the continuing risk of an unanticipated crisis or change in government producing a catalytic increase in the pace of proliferation, or a sudden escalation to the actual use of weapons of mass destruction.

The U.S. is going to have to deal with the problem of proliferation as a whole, not simply with whatever aspect of proliferation risks cause an immediate crisis. This means creating a mix of interlocking policy and legislation that deals with chemical, biological, and nuclear weapons, and with missiles and other destabilizing delivery systems. In the short term, this means that the legislation now pending before the Congress to strenthen sanctions against selling and acquiring chemical and biological weapons, and offensive missiles, must be passed as quickly as possible.

It is going to have to engage in a process where it often will be at odds with its friends and allies over individual issues and cases, and where it must mix the use of bilateral and multilateral diplomacy with efforts by international organizations. It is impossible to predict the precise course this diplomatic effort will take, but it is already clear that unless the U.S. is willing to accept the cost of tension and debate, its policies and actions will be ineffective.

It is going to have to accept the cost of "discriminating" against less developed states to the extent that it will be their efforts to proliferate that will be the prime targets of its actions. The debates over the NPT have shown that this inevitably will lead to charges that the U.S. is interfering in the sovereign rights of other states, and a host of similar complaints. U.S. policy must, however, be based on the de facto principal that nations do not have a right to proliferate weapons of mass destruction, and that every effort must be made to control such proliferation.

It is going to have to reexamine the technology of proliferation to examine the interaction between the technologies required to produce and deliver different weapons of mass destruction. It almost certainly is going to have to strengthen its lists of the technologies that need to be controlled in dealing with chemical, biological, and nuclear weapons, and the list of technologies it will include in the Missile Technology Control Regime.

The U.S. will have to come firmly to grips with the issue of sanctions that go beyond putting limits on U.S. technology transfer, companies, and exporters. Foreign exporters must face clear barriers to any further technology transfer from the U.S. and to remaining in American markets. Proliferating countries must face sanctions that threaten their ability to acquire advanced technology from the U.S., and possibly even continued access to U.S. economic and military aid. It is only through this mix of sanctions that the U.S. can be effective, given the inevitable lags and gaps in tracking given transfers and sales, and the amount of dual use equipment and technology that cannot be controlled.

The U.S. needs to recognize that world wide exposure of the sale of key technologies, and efforts to proliferate, will often be as effective as sanctions. While the U.S. cannot afford to compromise sensitive intelligence sources, it must be willing to embarass even friendly foreign govenments, and name names. U.S., European, and Japanese firms must live under the threat that any action they take to aid proliferation will become a matter of public knowledge.

At the same time, the U.S. must take preventive steps in terms of its own force planning and its aid to friendly states. It must equip its power projection forces to deal with the growing risk of chemical and biological weapons, and pay more attention to the risk of nuclear proliferation. It must stop thinking in terms of low intensity combat in the developing world, and start thinking about the consequences of proliferation. It must be ready to provide defensive systems and technology to friendly states, and begin to create power projection forces which can help friendly states deter the use of weapons of mass destruction through the ability to retaliate with surgical strikes by U.S. forces using conventional weapons.

Even with all these efforts, the U.S. has no assurance that it can keep proliferation to safe levels. It is very clear, however, that if the U.S. does not take these measures, it may well see an arms race in the developing world that will undercut or counter any progress it makes in its arms control negotiations with the East. It is also clear that unless the U.S. takes firm and cohesive action, the world risks turning from one arms race that threatens the globe to another. There can be no greater tragedy, and no greater failure of American policy and resolve.●

By Mr. FOWLER (for himself, Mr. LUGAR, Mr. LAUTENBERG, Mr. ADAMS, Mr. LIEBERMAN, Mr. GORE, Mr. PRYOR, Mr. SANFORD, Mr. PELL, Mr. MATSUNAGA, Mr. DASCHLE, and Mr. DODD):

S. 1422. A bill to provide for the improved management of the Nation's water resources; to the Committee on Environment and Public Works.

MUNICIPAL AND INDUSTRIAL WATER CONSERVATION ACT OF 1989

● Mr. FOWLER. Mr. President, this spring many Americans have been fortunate to see their lawns grow green again, their reservoirs refill, and their local water use restrictions lifted after last summer's extreme drought. Some have had the misfortune of too much rain, as homes and fields have been flooded in scattered parts of the country, while others, especially in the Upper Midwest and the West, are continuing to feel the negative effects of the extended droughts of the 1980's.

These past few months have shown Americans how important water is to our economy and our way of life. Rainfall can influence the rate of inflation. It can destroy or restore important local industries such as tourism and agriculture. It can bring on water use restrictions that disrupt our schedules and force us to change our habits temporarily. Even now, 20 years after an American first walked on the Moon and many decades after we began building dams and aqueducts across the country, we still depend on regular rainfall to meet our most essential human needs.

Across the country, municipalities face growing demands for water, demands that in many cases cannot be met reliably with existing supplies. From semitropical Florida to semiarid California, from Boston to Denver to Atlanta, our cities and towns are having trouble meeting today's—and tomorrow's—demands for water. In fact, the General Accounting Office estimates that in the next decade 170 of America's 756 large urban water systems will need additional supplies.

In previous years, such statistics would point the way toward major new public works efforts. But today, most of the economically and evironmentally sound large water supply projects have already been built, holding out the possibility of increasing future conflicts, both between environmental protection and our need for water and between fiscal constraints and our need for water.

As easily and unpredictably as the rains have returned for many of us this spring and summer, so can the droughts of previous years. It is not in our power to make it rain, but we can take steps to more efficiently use the water we already have. Just as we responded to the energy crisis of the 1970's by more efficiently using our energy resources, we must respond to the water crisis of the 1980's and beyond by making wiser use of our water resources.

Today, along with Senator LUGAR and 10 of our Senate colleagues, I am introducing the Municipal and Industrial Water Conservation Act of 1989.

This bipartisan legislation, which will soon be introduced in the House by Congressman CHET ATKINS, brings together the expertise and experience of all levels of government, of industry, and of trade associations and individual professionals to assist State and local governments, water utilities, Federal agencies, and private businesses in using water more wisely.

This bill establishes an Office of Water Conservation at the Environmental Protection Agency in order to oversee a broad, nationwide technical assistance program for States and municipalities, businesses, and institutions. Under contract with the EPA, private not-for-profit associations, public and private educational institutions, States and other public authorities will assist the Office of Water Conservation in developing model water conservation programs, studying water uses upon request of municipalities, businesses, and institutions, and recommending alternatives for improved water efficiency.

To many Americans, water conservation means having to ask for a glass of water in restaurants or having to water the lawn at midnight or having to shower faster. But these are the inconveniences of temporary water shortages, instituted in times of crisis. In contrast, there are many longer term, less noticeable but more effective actions that individuals, organizations, and local governments can take to conserve water. Universal metering of water users and pricing reforms can use market incentives to ensure that consumers use only what water they need. Leaks in water systems and in homes and institutions can be found and repaired quite cheaply in many cases, saving millions of gallons of water. More efficient showerheads, toilets, dishwashers, and washing machines can save Americans hundreds of dollars on their water and energy bills without diminished performance. Water used for some purposes can be recycled for other uses. And lawns can be beautifully landscaped with shrubs and grasses that thrives on much less water.

Few municipalities have paid water conservation the attention it deserves in their overall water management plans. Those that have incorporated even a few elements of effective water conservation programs have reaped large and continuing economic benefits. New dams and aqueducts have been postponed, operating costs for pumping and treating water have been cut, and new waste water treatment facilities have been built more cheaply in anticipation of reduced flows. The Office of Water Conservation will exist to promote these alternatives and encourage their incorporation into the everyday planning of municipalities, small and large, from coast to coast.

The Office of Water Conservation will not, however, in any way abridge the existing rights of State and local decisionmakers to control their own water and plan for its proper management according to local conditions. As a former local official myself, I recognize the efficacy of having these decisions made at the level of government with the most information and the greatest stake in their proper execution. The Office of Water Conservation will assist local decisionmakers by making every effort to increase the availability of information on water conservation alternatives which might be beneficial in meeting the needs of individual communities.

As part of this assistance, my bill would allow States and municipalities to use moneys from the new State Revolving Funds created under the Clean Water Act in order to implement water conservation programs, particularly where they will significantly reduce demand for new or upgraded wastewater treatment facilities. Municipalities nationwide face an estimated $83 billion in costs for upgrading and constructing wastewater treatment facilities. While there is no getting around the need to spend huge sums in this area, it is clear that strong, well-planned water conservation programs can significantly reduce the ultimate bill.

The Office of Water Conservation would be established within the EPA in order to take advantage of EPA's expertise in municipal water systems. As the Federal agency charged with responsibility for safe drinking water and wastewater treatment, the EPA has over the years developed a great deal of experience in working with municipal and industrial water issues. In fact, an internal task within the EPA is currently examining ways in which to incorporate water demand management principles inot the agency's programs. By no means, however, does the EPA have a monopoly on expertise or information in this area, and my bill contains strong requirements for intergovernmental coordination between the EPA and the many other Federal agencies involved in water resource planning, development, and management.

This legislation also establishes a National Clearinghouse on Water Conservation in order to facilitate the exchange of information on water conservation. In conjunction with the Office of Water Conservation, the Clearinghouse would serve not just as a respository for information, but also as an active promoter of water conservation methods and technologies. Much good work has already been done in this area, and this Clearinghouse will serve to bring it together to maximize the public benefit.

Over the years, both the legislative branch and the executive branch have found it helpful to establish advisory councils in various areas in order to assist agencies in carrying out their mandates. My bill will create an Advisory Council on Water Conservation, whose membership will include a broad array of experts in the area, in order to ensure the relevance of the future activities of the Office of Water Conservation and otherwise assist its Director and staff.

Finally, this legislation explicitly requires the consideration of water conservation alternatives in the preparation of environmental impact studies. While statutory authority—and indeed responsibility—exists for such consideration, there is no clear-cut guidance from the Council on Environmental Quality as to how water conservation alternatives are to be determined and evaluated in the environmental impact process. It is the intention of this provision to clarify the situation and preclude future disputes in this area.

Like the National Plumbing Products Efficiency Act, which this bill complements, the Municipal and Industrial Water Conservation Act has been fashioned in cooperation with many individuals and organizations with years of experience in the field of water conservation and municipal water supply management. It is a modest effort which lays out a blueprint for legislative acton later in the 101st Congress, and I look forward to continuing to work with all interested parties to enact the most effective legislation possible in this area.

I urge my colleagues to cosponsor this legislation and continue to work with me and the other cosponsors of this bill to promote the more efficient use of our Nation's precious water resources.●

● Mr. GORE. Mr. President, I rise today to join Senator FOWLER in introducing the Municipal and Industrial Water Conservation Act of 1989. This act addresses an issue of growing importance: the need to conserve our water resources.

Our water resources, like many of our natural resources, are not infinite. Although the amount of rainfall may vary from year to year, the amount of water available for our use is fixed. Thus our water resources can support only a limited population. The lakes, reservoirs, rivers, and aquifers on which we depend for our water have a limited capacity, even in years of heavy rainfall. Our growing population, it its use of water in households, farms, and industries, is now approaching this limit.

The rains of this spring may have made many of us oblivious to this problem. Indeed, some parts of the United States have experienced very much a different problem; too much rain has flooded homes and ruined crops. However, our approach to the

limits of our water resources can be seen around the Nation. In parts of California and Texas, wells that 40 years ago only needed to be 20 feet deep in order to deliver water must now be more than 160 feet deep. In Memphis, water levels in the aquifer underneath the city have declined steadily since 1950 in response to increased pumping. In Chicago, ground water levels have declined more than 370 feet since the 1940's. In New York, officials are realizing that an expanded water supply system is needed to meet future population demands even though the current system has not yet been completed. The General Accounting Office has predicted that 170 of the 756 large urban water systems in the United States will need to be expanded to meet the expected population demands.

Our past remedy for this problem has been to increase capacity by building new reservoirs and dams and digging more wells. This, however, is no longer possible, environmentally or economically. There are few places left on our rivers that can be dammed; most remaining spots are either economically impractical or environmentally unsound. An example of this dilemma may be seen in Denver, where building a dam in the only economically feasible spot to do so would necessitate flooding a scenic canyon and drowning a wildlife refuge. If we can no longer expand our water resources to meet our growing population, we must adapt our population to meet the carrying capacity of our water resources. We must start conserving.

There is much that can be done to conserve water. Leaks in municipal, industrial, and household systems can be detected and repaired. We can install more efficient showerheads, dishwashers, and washing machines. One-fourth of all the water used in our homes is flushed down the toilets; simply making smaller tanks in our toilets can cut our water consumption significantly. Installing water meters and reforming price structures can use market incentives to ensure that consumers and industries use no more water than they need.

The Municipal and Industrial Water Conservation Act of 1989 is a strong and appropriate step toward instituting some of these conservation measures. it will effectively bring together the expertise and experience of all levels of government, industry, trade associations and individual professionals to assist State and local governments, water utilities, Federal agencies, and businesses in developing ways to use water more efficiently.

The bill creates an Office Of Water Conservation in the Environmental Protection Agency to establish a nationwide technical assistance program for States, municipalities, businesses and institutions. Under contract with the EPA, private not-for-profit associations, public and private educational institutions, State agencies, and other public authorities can develop model water conservation programs, study water uses in municipalities, businesses, and institutions, and evaluate options for improving the efficiency of water use.

The Office of Water Conservation is designed to promote water conservation alternatives in municipalities' water management plans. Those few communities that have incorporated these conservation measures into their plans have found substantial economic benefits. Operating costs for supplying water have been cut, the construction of new dams, reservoirs, and supply systems has been postponed, and proposed expansions of wastewater treatment facilities have been put off.

Inherent in the Municipal and Industrial Water Conservation Act is a recognition that State and local governments have the right to control their water use. Those that have the most information for making water management decisions and are the most affected by these decisions must be able to make them freely. The Office of Water Conservation will assist local decisionmakers by increasing the availability of information on water conservation alternatives that can be used to meet the needs of the individual communities.

As part of this assistance, State and municipalities will be authorized to use from the State revolving funds created under the Clean Water Act in order to implement water conservation programs. Although these funds were originally intended for the construction or upgrading of wastewater treatment plants, effective water conservation programs can substantially reduce the demand for these new or upgraded facilities, and should therefore be eligible for funds. As Senator FOWLER pointed out, municipalities nationwide face an estimated $83 billion in costs for constructing and upgrading wastewater treatment facilities. A well-planned water conservation program can significantly reduce this cost.

The Municipal and Industrial Water Conservation Act has been fashioned in cooperation with many individuals and organizations in the field of water conservation and municipal water supply management. It establishes for the Federal Government a role of promoter and coordinator, and leaves for the local and State officials the roles of decisionmakers. It recognizes that a partnership must exist among governments of all levels, industry and trade associations, water utilities, not-for-profit organizations, universities, and private businesses in order for truly effective steps be taken toward water conservation.

I urge all Senators to support this important measure, and again I commend Senator FOWLER for his leadership on this critical issue.●

By Ms. MIKULSKI:

S. 1423. A bill to authorize a certificate of documentation for the vessel *Job Site*; to the Committee on Commerce, Science, and Transportation.

CERTIFICATION OF DOCUMENTATION FOR VESSEL "JOB SITE"

● Ms. MIKULSKI. Mr. President, I m introducing a bill to authorize issuance of a certificate of documentation for the vessel *Job Site* to engage in coastwide trade. This legislation is the only means to remedy a situation that resulted from an error by the U.S. Coast Guard. Mr. President, the U.S. Coast Guard has informed me that the *Job Site* is a candidate for such legislation.

Section 27 of the Merchant Marine Act of 1920, commonly known as the Jones Act, requires that vessels transporting passengers between points in the United States be constructed in the United States, be continuously owned by U.S. citizens, and be continuously operated under the U.S. flag. The Coast Guard is prohibited from issuing a document granting coastwise trading privileges for a vessel that does not meet these conditions unless the requirements are statutorily waived.

The vessel *Job Site*—official number 595013—was sold to a noncitizen corporation in 1982 and thus lost coastwise privileges. Unfortunately when the vessel was subsequently purchased by Gary M. Whitehair of Baltimore, MD, the Coast Guard documentation had no restrictions listed. The Coast Guard has notified me that it regrets the inconvenience and expense which Mr. Whitehair has suffered "as a result of a Coast Guard error." But the Coast Guard does not have the authority to correct its mistake.

Mr. President, I ask unanimous consent that a letter from the U.S. Coast Guard regarding this matter be printed in the RECORD at this time.

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

COMMANDANT, U.S. COAST GUARD
Washington, DC, May 6, 1989.

Hon. BARBARA A. MIKULSKI,
U.S. Senator,
Annapolis, MD.

DEAR SENATOR MIKULSKI: This is in response to your letter of April 21, 1989, forwarding a letter from Mr. Gary Whitehair regarding the documentation of his vessel. Mr. Whitehair has requested that the Coast Guard remove a restriction barring his vessel *Job Site*, official number 595013, from engaging in coastwise trade.

Vessels with coastwise privileges which are sold to non-citizens suffer a permanent loss of those privileges in accordance with the First Proviso of the Merchant Marine Act, 1920. The *Job Site* was sold to a non-cit-

izen corporation in 1982, and thus lost those privileges. Mr. Whitehair is correct in asserting that the Coast Guard erred in issuing a Certificate of Documentation for the vessel without the appropriate restriction. The absence of the proper restrictive endorsement led him to believe that the *Job Site* did in fact have coastwise privileges.

The Documentation Officer at Philadelphia, when reviewing the file, discovered the error. Mr. Whitehair's agent was contacted and assured the Coast Guard that Mr. Whitehair was not concerned about coastwise trade. The Documentation Officer then issued the Certificate of Documentation with the necessary restrictive endorsement.

The Coast Guard does not have the statutory authority to grant coastwise trading privileges to the *Job Site* and cannot perpetuate the earlier error. Each year, however, several vessels which have lost privileges as a result of the First Proviso regain those privileges through special legislation. The *Job Site* would appear to be a candidate for such legislation. A copy of one such action is enclosed for reference. We seriously regret the inconvenience and expense which Mr. Whitehair has suffered as a result of a Coast Guard error.

Sincerely,

THOMAS J. SCHAEFFER,
Captain, U.S. Coast Guard, Deputy Chief, Congressional Affairs Staff.

Ms. MIKULSKI. Mr. President, this bill provides the requisite legislative waiver to remedy the Coast Guard's error, and I look forward to its adoption. I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

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

S. 1423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the vessel Job Site, United States official number 595013.●

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 1424. A bill to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Governmental Affairs.

REIMBURSEMENT TO FEDERAL EMPLOYEES FOR CERTAIN TRAVEL EXPENSES FOR RELOCATION

● Mr. STEVENS. Mr. President, today I introduce legislation which would remedy an inequity in the law with regard to househunting trips for Federal employees. Senator INOUYE joins me in sponsoring this bill to amend section 5724a of title 5 of the United States Code.

Current law states that Federal employees who are either transferred or have successfully sought employment with a Federal agency are entitled to reimbursement for a trip to seek residence quarters. This reimbursement comes from the Federal agency completing the hire, allows for travel and up to 10 days per diem for the employee and a spouse, and is subject to agency approval. This same section of the Code, however, also states that reimbursement covers househunting trips within the continental United States only.

Senator INOUYE and I propose a simple change to the Code which would delete the word "continental" and thus encompass the United States in its entirety, including Alaska and Hawaii, as allowable starting and/or ending points for a Federal househunting trip.

There is no reason for the law to prohibit the reimbursement of househunting trips to and/or from Alaska and Hawaii. As the law currently stands, the Federal Government is discriminating against citizens of Alaska and Hawaii by treating them as if they were not residents of the United States.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5724a(a)(2) of title 5, United States Code, is amended by striking out "continental".●

By Mr. METZENBAUM (for himself and Mr. CHAFEE):

S. 1425. A bill entitled the "Nutrition Labeling and Education Act of 1989"; to the Committee on Labor and Human Resources.

NUTRITION LABELING AND EDUCATION ACT OF 1989

● Mr. METZENBAUM. Mr. President, for far too long, we Americans have been shopping in the dark. Today, we're here to shine a little light on the food that lines our supermarket aisles.

The Nutrition Labeling and Education Act, which Senator CHAFEE and I are introducing today, will provide consumers with the information that they need to make choices about their diet and their health.

Because what you don't know, can hurt you.

Consumers are fed up with food labels that are at best confusing—at worst, downright deceptive.

Consumers are frustrated by "bait and switch" claims that mislead and misinform.

And when people are told by their physicians to cut back on saturated fat, or to load up on dietary fiber, they find that they don't have the facts to follow the doctor's orders.

Our bill will make consumers secure in the knowledge that a bold face health claim on the front label won't be contradicted by the fine print on the back panel.

Our bill will give consumers the information they lack today.

Information on the amount of calories, saturated fat, salt, fiber, cholesterol, sugars, and other nutrients.

Information that will save lives and make us a healthier nation.

Mr. President, I'm pleased to report that this bipartisan legislation is also being introduced today in the House by HENRY WAXMAN, chairman of the Health and Environment Subcommittee.

I urge my colleagues to support this important disease prevention legislation.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

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

S. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Nutrition Labeling and Education Act of 1989".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

SEC. 2. NUTRITION LABELING.

(a) LABELING REQUIREMENT.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following new paragraph:

"(q)(1) Except as provided in paragraphs (3) and (4), if it is intended for human consumption and is offered for sale, unless its label or labeling states—

"(A)(i) the serving size which is an amount customarily consumed and which is expressed in a common household measure that is appropriate to the food, or

"(ii) if the use of the food is not typically expressed in a serving size, the other unit of measure which is an amount customarily used as an ingredient in the preparation of a food and which is expressed in a common household measure that is appropriate to the food,

"(B) the number of servings or other units of measure per container;

"(C) the number of calories—

"(i) per serving size or other unit of measure,

"(ii) derived from the total fat in each serving size or other unit of measure of the food, and

"(iii) derived from the saturated fat in each serving size or other unit of measure of the food, and

"(D) the amount of total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, and dietary fiber contained in each serving size or other unit of measure.

"(2) If the Secretary determines that nutrition information in addition to the information required by paragraph (1) should be

provided for food subject to paragraph (1) for purposes of providing consumers with information regarding the nutritional value of the food, the Secretary may by regulation require that such additional information be provided in the label or labeling of such food.

"(3) A food which is a raw agricultural commodity shall not be subject to the requirements of paragraphs (1) and (2) if the person who offers the food for sale to consumers provides to consumers the information required by paragraphs (1) and (2) in a manner prescribed by regulation by the Secretary. The regulation of the Secretary shall permit the information described in subparagraphs (C) and (D) of paragraph (1) to be expressed as an average per unit of the same type of raw agricultural commodity.

"(4) Paragraph (1) shall not apply to—

"(A) food which is sold for immediate human consumption at the place of sale, and

"(B) food which is processed and prepared in a retail establishment for human consumption and is offered for sale to consumers but not for immediate consumption in such retail establishment.".

(b) REGULATIONS.—

(1) Within 30 days of the date of the enactment of this Act the Secretary of Health and Human Services shall contract with the National Academy of Sciences to prepare a report which makes recommendations regarding the manner in which the information required by paragraphs (1) and (2) of section 403(q) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) should be included in food labels and labeling to convey in an effective way nutritution information to the public to enable it to readily observe and comprehend the information required to be disclosed and to understand the relative significance of the nutrition information in the context of a total daily diet.

(2) The National Academy of Sciences shall prepare the report described in paragraph (1) within 6 months of the date of the execution of the contract of the Secretary under paragraph (1).

(3) The Secretary shall issue proposed regulations to implement section 493(q) of the Federal Food, Drug, and Cosmetic Act within 3 months of the date of receiving the report of the National Academy of Sciences. Not later than 6 months after the date the Secretary issues proposed regulations the Secretary shall issue final regulations to implement the requirements of such section. Such regulations shall require the required information to be conveyed to the public in a manner which enables the public to readily observe and comprehend such information and to understand the relative significance of such information in the context of a total daily diet. Such regulations shall include regulations which establish standards, in accordance with paragraph (1)(A) of such section 403(g), to define serving size or other unit of measure for food.

SEC. 3. CLAIMS.

(a) IN GENERAL.—Section 403 (21 U.S.C. 343) is amended by adding after the paragraph added by section 2 the following:

"(r)(1) If it is a food for which a claim is made which—

"(A) characterizes the amount of—

"(i) the calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, or dietary fiber, or

"(ii) any item required to be included in the food's label or labeling under paragraph (q)(2),

which is contained in the food, or

"(B) characterizes the relationship of—

"(i) the calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, or dietary fiber, or

"(ii) any item required to be included in the food's label or labeling under paragraph (q)(2),

which is contained in the food to a disease or a condition,

unless the claim is made in accordance with paragraph (2).

"(2)(A) A claim described in paragraph (1)(A) may only be made—

"(i) if the characterization of amount made in the claim uses terms which are defined in regulations of the Secretary, and

"(ii) if the food for which the claim is made contains, as determined by the Secretary—

"(I) calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, and dietary fiber, and

"(II) all items required to be included in the food's label or labeling under paragraph (g)(2),

in amounts which reduce dietary risk to persons in the general population.

"(B) A claim described in paragraph (1)(B) may only be made—

"(i) in accordance with regulations of the Secretary, and

"(ii) if the food for which the claim is made contains, as determined by the Secretary—

"(I) calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, and dietary fiber, and

"(II) all items required to be included in the food's label or labeling under paragraph (g)(2),

in amounts which reduce dietary risk to persons in the general population.

"(C) In prescribing regulations under subparagraph (B)(i), the Secretary—

"(i) may only authorize claims for which there is scientific consensus, as determined by the Secretary, among experts qualified by scientific training and experience to evaluate such claims regarding the relationship between the calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, dietary fiber, or the item required to be included in the food's label or labeling under paragraph (q)(2) contained in the food and a disease or condition, and

"(ii) shall require claims to be made in a manner which enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.".

SEC. 4. STATE ENFORCEMENT.

Section 307 (21 U.S.C. 337) is amended—

(1) in the first sentence, by inserting before the period the following: ", except that proceedings for the enforcement, or to restrain violations, of section 403(q) or 403(r) may also be brought in the name of a State in which the food that is the subject matter of the proceedings is located. If a State intends to bring such a proceeding, the State shall notify the Secretary at least 30 days before such proceeding is brought", and

"(2) in the last sentence, by striking out "such proceeding" and inserting in lieu thereof "any proceeding under this section".

SEC. 5. CONFORMING AMENDMENTS.

(a) SECTION 405.—Section 405 (21 U.S.C. 345) is amended by adding at the end the following: "This section does not apply to the labeling requirements of sections 403(q) and 403(r)".

(b) DRUGS.—Section 201(g)(1) (21 U.S.C. 321(g)(1)) is amended by adding at the end the following: "A food which makes a claim described in section 403(r)(1)(B) in accordance with the requirements of section 403(r)(2)(B) is not a drug under clause (B).".

SEC. 6. EFFECTIVE DATE.

The amendments made by sections 2, 3, 4, and 5 shall apply with respect to food which is produced or processed 18 months after the date of the enactment of this Act.●

● Mr. CHAFEE. Mr. President, I am pleased to be a cosponsor of this important and long overdue piece of legislation.

We have now gone 16 years without a fundamental change in the way foods are labeled. It has become increasingly clear that the current labeling structure has been entirely overtaken by events. In that time we have made a quantum leap in the state of knowledge about the relationship between diet and disease—as well as in our interest in using this knowledge in our diets. To a great degree, Americans are now converts to the cause of good nutrition.

But just as good health depends on good nutrition, good nutrition depends on good information. More than ever before, people know that they should eat a variety of foods and avoid saturated fat, sugar and sodium. The problem comes when we try to apply those principles in our daily lives. We are bombarded with information which runs the gamut from accurate to useless to downright misleading. We try to read labels, but find the information we need isn't there. We hear makers of every type of food that exists making fantastic claims about what will happen to you if you use their product. We try to sort it all out and find that the terms that are being tossed around haven't even been defined by anybody, and could mean almost anything.

This is because the rules of the nutrition information game aren't clear, and this is what we have to fix. Because the rules aren't clear, the average consumer trying to eat a good diet is really at sea without a compass. And unless the rules are clear and well-defined, they can also be used to mislead consumers or bury negative information, as is too often the case now.

The Nutrition Labeling and Education Act of 1989 would begin to straighten out this chaos. It would do the following things:

It would make nutrition labeling mandatory. Currently, nutrition labeling is voluntary for many foods and consequently nutrition labels appear

on only about half of all processed foods;

It would improve nutrition labels by requiring disclosure certain essential pieces of information: Amount of fiber, amount of fat, type of fat—saturated or unsaturated—and amount of cholesterol. This information is the most crucial and basic dietary information, and incredibly, it is not currently required to appear;

It would begin the process of improving the format of nutrition labels to make them easier to read and understand, by soliciting the recommendations of the National Academy of Sciences. Current labels just present the information with no context whatsoever. The label says 21 grams of fat or 900 milligrams of sodium. The average consumer just doesn't know: is that a little or a lot? This is the type of problem that an improved label format would help address; and

Finally, the bill would provide for clear and definite standards governing the claims and statements that can be made about foods. For example, terms like lite need to be defined. Under current standards lite can mean anything from low calorie to low sodium to just lighter in texture or color. Again, the average consumer just doesn't know.

Another example is term cholesterol-free. Under current regulations, this can be used on foods that are high in saturated fat and which raise blood cholesterol levels. The consumer trying to watch cholesterol could see the word cholesterol-free and easily assume it was a safe food. Not so.

Current food labels are potential minefields of misinformation. It shouldn't be that way. You shouldn't have to have a degree in nutrition science to be able to decipher a food label and decide whether some critical piece of information has been glossed over, misrepresented, or just plain left out. You ought to be able to look at a food label, and take the information presented there at face value. That is our objective: clear, accurate and straightforward information.

I hope that all of us—Congress, the administration, industry and consumer groups—can work together toward this objective. I anticipate that there will be other ideas from other quarters over how best to proceed on labeling reform, and hope that this bill will spark the kind of serious discussion and debate that we need on this very important issue.●

By Mr. DODD (for himself, Mr. HATCH, Mr. KENNEDY, Mr. COATS, Mr. SIMON, Mr. PELL, Mr. GLENN, Mr. ROCKEFELLER, Mr. LEVIN, and Mr. PRESSLER):

S. 1426. A bill to revise and extend the programs of the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

● Mr. DODD. Mr. President, I am introducing today legislation to reauthorize the Domestic Volunteer Service Act, or DVSA. I am pleased to be joined by Senators HATCH, KENNEDY, COATS, SIMON, PELL, GLENN, ROCKEFELLER, LEVIN, and PRESSLER.

This act funds the programs of the ACTION Agency. Through VISTA and the Older American Volunteer Programs, volunteers in communities across the Nation provide critical services to other people. Some are full-time VISTA volunteers, spending at least a year working in communities to address the problems that result from poverty. Others volunteer as Retired Senior Volunteers or Foster Grandparents or Senior Companions. They too make an enormous difference in their communities.

These volunteers see firsthand the tremendous difficulties that many of our citizens face, whether it's because they have no home, because they cannot read, because they are children from shattered families, or because they are frail and elderly and alone. Confronting these difficulties, half a million people every year give of their time, usually at great personal sacrifice, to help others overcome the formidable odds of poverty, illiteracy, drug abuse, and the loneliness and failing health of old age.

There is a great deal of interest among my colleagues in expanding our national volunteer efforts. I have introduced a bill to create a Conservation Corps and an expanded Youth Service Program. However, as we renew our interest, we should first look to the programs already in place. The model of locally based volunteers supported by a national program has been tried and tested and found remarkably successful. In my State of Connecticut, VISTA volunteers, college students, and OAVP volunteers give generously of their time and make a tremendous difference in dealing with problems of illiteracy, unemployment, and homelessness and in helping the frail elderly and children with special needs. I applaud the volunteers who have given their time and their caring to do this work. And I commend the equally valuable work of those who run the local projects that make the volunteer efforts possible.

Mr. President, in the course of the reauthorization of this legislation, the Subcommittee on Children, Family, Drugs and Alcohol has taken a close look at the ACTION Programs. It should come as no surprise that these volunteer programs receive excellent reviews. Nor should it come as any surprise that there is even more to be done.

In the 25 years since VISTA was first established, our Nation has made progress on many fronts, but we still face the profound challenge of poverty. The House Ways and Means Committee recently released a report showing that the income gap in this country is growing, that the bottom fifth of our citizens are falling further and further into the despair of poverty.

Homelessness is at its highest rate since the depression, and one third of the homeless are families with children. In 1987, the demand by families with children for emergency food assistance increased by 18 percent in 25 major cities.

The continuing need—and the yet untapped resources of millions of potential volunteers—argue clearly for strengthening the programs authorized by the Domestic Volunteer Services Act. Thus, I am introducing a bill that significantly expands the scope of the programs.

The proposed authorization levels would provide for twice as many VISTA volunteers by the end of fiscal year 1993. This restoration of the 1975 level of service is more than demanded by today's continuing poverty. For the Older American Volunteer Programs, the bill creates a new category of grants to address problems of national significance. The list of priority populations includes those who are developmentally disabled, those who suffer from chronic and debilitating illnesses, such as AIDS, and families that need respite care. We also provide for expanded programs to help children—boarder babies, teenage parents, special-needs children who are in child care, and youth who need special guidance. And we have included programs where volunteers will work with libraries in before and after-school programs for children.

Literacy is another area where the ACTION Agency has provided important assistance. I have included provisions to build on that foundation by increasing the authorization level of the Literacy Corps, by including literacy as one of the new programs of national significance, and by making available more technical assistance for literacy initiatives.

I would like to commend several of my colleagues for their long-time work in certain areas and for their contributions to this legislation: Senator GLENN for his interest in libraries as a resources for latchkey children, Senator SIMON for his initiatives on literacy, and Senator LEVIN for his proposal for intergenerational programs in which senior volunteers tutor children.

In the course of the subcommittee hearings, we heard very compelling reports on the ACTION Programs and the work that the volunteers do. Unfortunately, we also heard that the VISTA Program is not widely known and that local projects often cannot recruit volunteers on their own.

Therefore, this legislation calls for considerably greater national public awareness and recruitment activities. We want to see more college-based outreach, creative use of media and promotional materials, and greater involvement at the regional level where the link between local projects and prospective volunteers is most easily made.

Mr. President, I also want to point out that the VISTA Program has provided volunteer service for 25 years, since the enactment of the Economic Opportunity Act of 1964. In fact, one of the three projects where volunteers were first placed was in Hartford, CT. In recognition of the more than 100,000 VISTA volunteers who have carried out the mandate of helping others help themselves, I am introducing as a separate bill a resolution to commemorate the 25th anniversary of the progam.

Across our Nation, we have a great reservoir of energy, ability and talent available for volunteer service. I look forward to working with my colleagues as we build on the successful ACTION models and find even more ways to involve volunteers in helping to meet the needs of our communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Domestic Volunteer Service Act Amendments of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Domestic Volunteer Service Act of 1973.
TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS
Sec. 101. Selection and assignment of volunteers.
Sec. 102. Support services.
Sec. 103. Applications for assistance by previous recipients.
TITLE II—SERVICE-LEARNING PROGRAMS
Sec. 201. Change in general reference to programs.
TITLE III—SPECIAL VOLUNTEER PROGRAMS
Sec. 301. Authority to establish and operate programs.
Sec. 302. Special initiatives.
TITLE IV—ADMINISTRATION AND COORDINATION
Sec. 401. Reports.
Sec. 402. Evaluation.
Sec. 403. Definitions.
TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS
Sec. 501. Purposes.
Sec. 502. Projects of national and local significance.
Sec. 503. Increase in stipend or allowance; foster grandparent program.
Sec. 504. Promotion of programs.
TITLE VI—GENERAL PROVISIONS
Sec. 601. Health care problems.
Sec. 602. Technical and financial assistance for improvement of volunteer programs.
Sec. 603. Special initiatives.
Sec. 604. Administrative costs.
Sec. 605. Amendments relating to partnership agreements addressing the needs of the poor.
TITLE VII—AUTHORIZATION OF APPROPRIATIONS
Sec. 701. National volunteer antipoverty programs authorization.
Sec. 702. Priority.
Sec. 703. Administration and coordination.
Sec. 704. Older American volunteer programs.
TITLE VIII—TECHNICAL AMENDMENTS
Sec. 801. Amendments to table of contents.
Sec. 802. Technical amendments.
TITLE IX—EFFECTIVE DATE
Sec. 901. Effective date.

SEC. 2. REFERENCES TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 101. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

Section 103 (42 U.S.C. 4953) is amended to read as follows:

"(b)(1) The Director shall establish, at a cost of not less than $600,000 from amounts appropriated under section 501 for each fiscal year, national, regional, and State procedures to inform the public of the volunteer service opportunities VISTA provides to Americans from diverse backgrounds, age groups, economic levels, and geographic areas, and to recruit and assign the most qualified applicants to serve in VISTA.

"(2) The Director shall use not less than $200,000 from the amounts appropriated under section 504 for the support of VISTA recruitment activities, such as travel and training expenditures.

"(3) The Director shall appoint a national Administrator of Recruitment and Placement (hereinafter in this section referred to as the 'Administrator'). The Director shall hire, as necessary, additional national, regional, and State employees to carry out recruitment and placement functions in a timely and effective manner. In each region, the Director shall designate at least one regional or State ACTION employee whose duties shall include assisting such region in carrying out the recruitment and application evaluation functions described in this section.

"(4) The Director shall establish recruitment and placement procedures that offer opportunities for both local and national placement of volunteers. The procedures for the recruitment, selection, and placement of volunteers shall be carried out by—

"(A) making applications for VISTA service available from national, regional, or State offices;

"(B) informing individuals who request an application of the manner in which applications shall be submitted; and

"(C) forwarding applications received at the national or State office to the regional office representing the State in which the applicant resides.

"(5) Each application shall—

"(A) indicate the period of time during which the applicant is available to serve as a volunteer under this part;

"(B) describe the previous education, training, military and work experience, and any other relevant skills or interests of the applicant; and

"(C) specify the State or geographic region in which the applicant prefers to be assigned; and

"(D) specify—

(i) the type of project or program to which the applicant prefers to be assigned; or

"(ii) the particular project or program to which the applicant prefers to be assigned.

"(6) The regional or State employees designated in paragraph (3) shall assist in interviewing applicants and evaluating applications. When the interview process of applicants is completed, such employees shall send the applications of the most qualified applicants to the Administrator.

"(7) The Administrator, in conjunction with such regional or State employees, shall engage in public awareness and recruitment activities. Such activities shall include—

"(A) public service announcements through radio, television, and the print media;

"(B) advertising through the print media, direct mail, and other means;

"(C) disseminating information about opportunities for service as a volunteer under this part to relevant entities, including institutions of higher education and other educational institutions (including libraries), professional associations, community-based agencies, youth service and volunteer organizations, business organizations, labor unions, senior citizens organizations, and other institutions and organizations from or through which potential volunteers may be recruited;

"(D) disseminating such information through presentations made personally by employees of the ACTION Agency or other designees of the Director, to students and faculty at institutions of higher education and to other entities described in subparagraph (C), including presentations made at the facilities, conventions, or other meetings of such entities;

"(E) publicizing the student loan deferment and forgiveness opportunities available to VISTA volunteers under parts B and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), and including such information in all applications and recruitment materials;

"(F) providing, on request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part; and

"(G) maintaining and publicizing a national toll-free telephone number through which callers may obtain information about opportunities for service as a volunteer under this part, and request and receive an application for such service.

"(8) In designing and implementing the activities authorized under this section, the Director shall seek to involve individuals who have formerly served as volunteers under this part to assist in the dissemination of information concerning the program under this part. The Director may reimburse the costs incurred by such former vol-

unteers for such participation, including expenses incurred for travel.

"(9) The Administrator shall—

"(A) maintain up-to-date information on existing and future VISTA placement opportunities;

"(B) make the final selection of individuals who will serve as VISTA volunteers from the applications sent from the regional offices, and assign the individuals in projects;

"(C) assign applicants within VISTA, to the extent practicable, consistent with the abilities, experiences, and preferences of each applicant as set forth in the application and consistent with the needs and preferences of projects or programs approved for the assignment of such volunteers;

"(D) consult with the Director of the Peace Corps to coordinate the recruitment and public awareness activities carried out under this subsection, with those of the Peace Corps, and to develop joint procedures and activities for the recruitment of volunteers to serve under this part; and

"(E) develop, at the beginning of each fiscal year, an annual plan for the recruitment of volunteers under this part that—

"(i) describes in detail (including the cost) the recruitment and public awareness activities carried out during the preceding fiscal year and evaluates the effectiveness of such activities;

"(ii) identifies methods and goals for the recruitment of volunteers during the existing fiscal year, including specific methods and goals for the recruitment of individuals 55 years of age and older, individuals between 18 and 27 years of age (inclusive), recent graduates of institutions of higher education, and special skilled volunteers; and

"(iii) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals specified in clause (i); and

"(iv) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals for the recruitment of individuals described in clause (ii).

"(10) If feasible and appropriate, low-income community volunteers shall be given the option of serving in the home communities of such volunteers in teams with nationally recruited specialist volunteers. The Director shall make efforts to assign volunteers to serve in their home or nearby communities and shall make national efforts to attract other individuals to serve in the VISTA program. The Director shall also, in the assignment of volunteers, recognize that the community-identified needs that cannot be met in the local area, and the individual desires of VISTA volunteers in regard to the various geographical areas of the United States, should be taken into consideration.

"(11) A sponsoring organization of VISTA may recruit volunteers. The Administrator shall give a locally recruited volunteer priority for placements in a sponsoring organization of VISTA that recruited such volunteer.

"(12) If an applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract may replace such applicant with another qualified applicant approved by the Director.

"(13) The Director shall ensure that not less than 20 percent of all volunteers under this part are 55 years of age or older and that, by the beginning of fiscal year 1991 and for each fiscal year thereafter, not less than 20 percent of all such volunteers are between 18 and 27 years of age, (inclusive).".

SEC. 102. SUPPORT SERVICES.

Section 105 (42 U.S.C. 4955) is amended—

(1) in subsection (a)(1), by striking out "$75" both places it appears and and inserting in lieu thereof "$100"; and

(2) in subsection (b)—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end thereof the following new paragraphs:

"(2) The Director shall set the subsistence allowance for volunteers under paragraph (1) for each fiscal year so that the average subsistence allowance is no less than 105 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) for a single individual as expected in each fiscal year.

"(3)(A) The Director shall consult with regional and State offices of the ACTION Agency to make a determination of the cost of living within each State and whether there are significant local price differentials within the State.

"(B) The Director shall adjust the subsistence allowances for volunteers serving in areas that have a higher cost of living than the national average to reflect such higher cost.

"(4) The Director, in coordination with regional and State offices of the ACTION Agency and taking into account paragraphs (2) and (3), shall establish a method for setting subsistence allowances. The Director shall submit a report on such methods to the appropriate authorizing committees of Congress no more than 90 days after the date of enactment of the fiscal year 1990 appropriation.".

SEC. 103. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

Part A of title I (42 U.S.C. 4951 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 110. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

"(a) DURATION.—The Director shall not deny assistance under this part to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has previously received under this part.

"(b) CONSIDERATION OF APPLICATION.—The Director shall consider each application for the renewal of assistance under this part to any project or program on a case-by-case basis, taking into account—

"(1) the extent to which the sponsoring organization has made good faith efforts to achieve the goals agreed on in the application of such project or program; and

"(2) any extenuating circumstance beyond the control of the sponsoring organization that may have prevented, delayed, or otherwise impaired the achievement of such goals.

"(c) NEW PROJECT OR PROGRAM.—The Director shall consider each application for assistance under this part to a new project or program, that is submitted by a public or private nonprofit organization that has previously received such assistance (so long as such new project or program is clearly distinct from activities for which the organization has previously received such assistance), on an equal basis with all other applications for such assistance and without regard for the fact that the organization has previously received such assistance.

"(d) RENEWAL OF ASSISTANCE.—In considering a request for a renewal of assistance under this part, the Director may not apply the duration of previous assistance against any entity that is—

"(1) functioning as an intermediary between the Director and organizations requesting such renewal and receiving such assistance; and

"(2) utilized by such organizations—

"(A) to prepare and submit applications for such assistance to the Director; and

"(B) to perform other administrative functions and services associated with applying for and receiving such assistance.

"(e) NOTICE.—The Director shall ensure that the provisions of this subsection are included in—

"(1) an application developed by the agency for use by individuals who request assistance under this part for a project or program; and

"(2) any regulation or guideline issued for the program established under this part.".

TITLE II—SERVICE-LEARNING PROGRAMS

SEC. 201. CHANGE IN GENERAL REFERENCE TO PROGRAMS.

(a) Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) by amending the heading for such part to read as follows:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(2) in the first sentence of section 111(a) (42 U.S.C. 4971(a)), by inserting "and community service" after "service-learning" both places it appears; and

(3) in section 114 (42 U.S.C. 4974)—

(A) by amending the heading to read as follows:

"STUDENT COMMUNITY SERVICE PROGRAMS";

and

(B) in the first sentence of subsection (a), by inserting "and community service" after "service-learning".

TITLE III—SPECIAL VOLUNTEER PROGRAMS

SEC. 301. AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS.

Section 122(d) (42 U.S.C. 4992(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The amount of a grant made, or contract entered into, under this part may not exceed $250,000, unless the Director determines at the end of a fiscal year that a greater amount is required due to exceptional circumstances.".

SEC. 302. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended—

(1) by amending the section heading to read as follows:

"DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES";

(2) in subsection (b), by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(3) by adding at the end thereof the following new subsections:

"(c) In awarding grants and contracts under this section, the Director shall give priority to drug abuse education and prevention projects that serve communities, including rural communities, that have not previously received assistance under this part.

"(d) The Director shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. An application for a grant, for such activities and projects, under this section in excess of $10,000 shall include data on the appropriate use of funds within the communities where such activities and projects are carried out.".

TITLE IV—ADMINISTRATION AND COORDINATION

SEC. 401. REPORTS.

Section 407 (42 U.S.C. 5047) is amended to read as follows:

"SEC. 407. REPORTS.

Not later than 60 days after the beginning of each fiscal year, the Director shall prepare and submit to the appropriate committees of Congress a report that shall include—

"(1) the annual recruitment plan developed under section 103(b)(5);

"(2) a description of the activities carried out under section 103(b) during the preceding fiscal year, including a specification of the total number of—

"(A) individuals who applied for service as a volunteer under this part;

"(B) applicants approved for such service;

"(C) approved applicants provided an assignment as a volunteer under section 103(b); and

"(D) volunteers assigned to projects and programs that were outside the original home communities of such volunteers;

"(3) a description of efforts undertaken by the Director during the preceding fiscal year to involve individuals, who have formerly served as volunteers under this part, in the activities authorized under section 103(b);

"(4) a specification of the number of, and the manner that, individuals referred to in paragraph (3) that were involved in the activities referred to in paragraph (3); and

"(5) a specification of the number and location of employees of the ACTION Agency designated by the Director to assist in carrying out the duties described in section 103(b) during the preceding fiscal year.".

SEC. 402. EVALUATION.

The second sentence of section 416(a) (42 U.S.C. 5056(a)) is amended by inserting before the period at the end thereof the following: ", including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years".

SEC. 403. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) the term 'poverty line for a single individual' means such poverty line as established by section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).".

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 501. PURPOSES.

Title II (42 U.S.C. 5001 et seq.) is amended by inserting after the heading for such title the following new section:

"SEC. 200. PURPOSES.

"It is the purpose of—

"(1) this title to provide for Older American Volunteer Programs, comprised of the Retired Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, that empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services;

"(2) part A, the Retired Senior Volunteer Program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs;

"(3) part B, the Foster Grandparent Program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs; and

"(4) part C, the Senior Companion Program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.".

SEC. 502. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

"(a) IN GENERAL.—The Director shall establish, within each program authorized under this title, a program for making grants to support programs that address national problems on a local level.

"(b) USE OF GRANTS.—The recipient of a grant under the program established under subsection (a) shall use such grant to provide creative solutions to urgent problems.

"(c) AWARDING OF GRANTS.—

"(1) ESTABLISHMENT OF PROGRAM.—There is established the 'Programs of National and Local Significance' program. Under the program, the Director shall award grants each year to programs administered under this title to respond to an identified community need.

"(2) AWARDS.—

"(A) IN GENERAL.—The grants authorized under paragraph (1) may be awarded to both existing and new projects.

"(B) LIMITATION.—A grant under paragraph (1) may not exceed $150,000 per year.

"(3) CRITERIA FOR AWARDING GRANTS.—

"(A) IN GENERAL.—Under the program established under paragraph (1), the Director shall award grants based on a demonstration by an applicant that such grant will enable such applicant to uniquely and effectively respond to an identified community need.

"(d) USE OF GRANTS.—A program receiving a grant under subsection (a) shall demonstrate that assistance provided by such grants shall be used to increase—

"(1) the total number of volunteers supported by such projects; and

"(2) the number of volunteers in such projects engaged in responding to the identified community need referred to in subsection (g) for which such grant was made.

"(e) DISSEMINATION OF INFORMATION.—The Director shall disseminate information on the Programs of National and Local Significance established under this section to field personnel of the ACTION Agency and other community volunteer organizations that request such information.".

"(f) PRIORITY.—Priority for grants under this section shall be given to the following programs of national significance—

"(1) programs that assist individuals with chronic and debilitating illnesses such as immune deficiency syndrome;

"(2) programs designed to decrease drug and alcohol abuse;

"(3) programs that work with teenage parents;

"(4) mentoring programs that match senior volunteers with youth who need guidance;

"(5) adult and school-based literacy programs;

"(6) respite care, including care for frail elderly individuals and disabled or chronically ill children living at home;

"(7) before and after-school programs, sponsored by organizations such as libraries, that serve children of working parents;

"(8) programs working with boarder babies;

"(9) programs serving children who are enrolled in child care programs, with priority given to those serving children with special needs; and

"(10) the provision of care to developmentally disabled adult individuals residing in home and community-based settings including, when appropriate, the involvement of older developmentally disabled individuals as Older American Volunteer Program volunteers.

"(g) FUNDING.—

"(1) AMOUNTS TO BE MADE AVAILABLE.—Notwithstanding any other provision of law, the Director shall make amounts under section 502 available to carry out this section.

"(2) DIRECTOR.—The Director shall not make grants under this section within a program authorized under this title unless the amount appropriated under section 502 for such program, for the fiscal year that such grants are made, exceeds 105 percent of the amount appropriated for the preceding fiscal year for such program.".

SEC. 503. INCREASE IN STIPEND OR ALLOWANCE; FOSTER GRANDPARENT PROGRAM.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after "$2.20 per hour" the following: "until September 30, 1991, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992"; and

(B) in paragraph (2), by striking out "$2.20 per hour" and inserting in lieu thereof "the minimum hourly rate specified in this sentence"; and

(2) in subsection (f)—

(A) in paragraph (1)(C), by inserting before the period at the end thereof "unless such individuals have been referred previously for possible placement as volunteers under part A and such placement did not occur"; and

(B) by amending paragraph (3) to read as follows:

"(3) The Director may not take into consideration, require, or coerce, as a condition of receiving a grant or contract to carry out a project under this part, any applicant for or recipient of such grant or contract—

"(A) to accept or recruit individuals who are not low-income individuals to serve as volunteers under this part; or

"(B) to solicit locally generated contributions, in cash or in kind, to support such individuals.".

SEC. 504. PROMOTION OF PROGRAMS.

(a) DUTIES OF DIRECTOR.—Section 221 (42 U.S.C. 5021) is amended—

(1) by amending the heading to read as follows:

"SEC. 221. PROMOTION OF OLDER AMERICAN VOLUNTEER PROGRAMS.",

(2) by striking out "SEC. 221." and inserting in lieu thereof "(a) IN GENERAL.—";

(3) by adding at the end thereof the following new subsection:

"(b) PUBLICIZING THE PROGRAMS.—

"(1) IN GENERAL.—The Director shall take appropriate actions to ensure that special efforts are made to publicize the programs established in parts A, B, and C, in order to facilitate recruitment efforts, encourage greater participation of volunteers, and emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Director.

"(2) PARTICIPATION OF PRIVATE ORGANIZATIONS AND OLDER INDIVIDUALS.—In carrying out this title, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C of this title and the involvement of older individuals as volunteers in such programs.

"(3) FUNDING.—From funds appropriated under section 502, the Director shall expend not less than $250,000 in each fiscal year to carry out paragraph (1).".

TITLE VI—GENERAL PROVISIONS

SEC. 601. HEALTH CARE PROBLEMS.

(a) ASSIGNMENT OF VOLUNTEERS.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) in addressing significant health care problems, including chronic and life-threatening illnesses and health care for homeless individuals (especially homeless children) through prevention, treatment, and community-based care activities; and".

(b) VISTA LITERACY CORP.—Section 109(g)(1) (42 U.S.C. 4959(g)(1)) is amended by adding at the end thereof the following new sentence: "The Director shall ensure that records are maintained to indicate the degree of compliance with this requirement".

SEC. 602. TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS.

Section 123 (42 U.S.C. 4993) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by inserting at the end thereof the following new subsection:

"(b) The Director may provide technical and financial assistance to nonprofit organizations conducting operations in more than one area of a State and in more than one State, that are engaged in, or wish to become involved in, activities that have been principally designed to address the problems of illiteracy. Such technical and financial assistance may be provided by grant or contract, and shall be used to enable such nonprofit organizations—

"(1) to prepare and broadly disseminate training and technical assistance relating to the use of volunteers in literacy programs to agencies, organizations, and individuals; and

"(2) to seek new and innovative solutions to literacy problems that involve the more effective and extensive use of volunteers.".

SEC. 603. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended by inserting at the end thereof the following new subsection:

"(c) The Director is authorized to provide technical assistance, by grant or contract, to employers who have established or wish to establish worksite literacy programs to assist such employers in obtaining, training, and integrating volunteers into worksite literacy programs.".

SEC. 604. ADMINISTRATIVE COSTS.

Part D (42 U.S.C. 5021 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.

"(a) DETERMINING ASSISTANCE.—

"(1) CONSUMER PRICE INDEX.—

"(A) IN GENERAL.—In determining the amount of Federal financial assistance to be provided under this title to applicants, the Director shall consider the impact of changes in the Consumer Price Index For All Urban Consumers provided by the Bureau of Labor Statistics, Department of Labor, on the administrative costs of operating the projects for which such assistance will be provided.

"(B) ADJUSTMENTS.—The Director shall, to the fullest extent practicable, make appropriate adjustments in the amount referred to in subparagraph (A) to ensure the effective administration of such projects.

"(2) NOTIFICATION OF APPLICANTS.—The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

"(b) REPORT.—

"(1) IN GENERAL.—The Director shall submit each year, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).

"(2) SUBSTANCE OF REPORT.—With respect to each of parts A, B, and C of this title, the Director shall include in such report—

"(A) a summary of the number of, and purposes for which, such adjustments are requested by the recipients of grants and contracts under parts A, B, and C, respectively;

"(B) a description of the extent that such requests are accommodated; and

"(C) a statement explaining the decisions made by the Director with respect to the requested adjustments.".

SEC. 605. MULTIPLE-YEAR GRANTS OR CONTRACTS.

Title IV is amended by adding at the end thereof the following new section:

"SEC. 425. MULTIPLE-YEAR GRANTS OR CONTRACTS.

"The Director is authorized to approve an application for a contract or grant to carry out any project under this title for a multiple-year period. The applicant for such contract or grant shall not be required to submit a proposal for the continuation of such contract or grant during such period.".

SEC. 606. AMENDMENTS RELATING TO PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

(a) GENERAL AUTHORITY.—Section 408(a)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(a)(1)) is amended—

(1) by striking out "provide for the self-sufficiency of the Nation's poor" and inserting in lieu thereof "stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings so that such approaches can be replicated, and to strengthen the integration, coordination, and redirection of activities to promote maximum self-sufficiency among the poor";

(2) in subparagraph (B) by striking out "or" at the end thereof;

(3) in subparagraph (C) by striking out the period at the end and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subparagraph:

"(D) contain an assurance that the applicant for such grants will obtain an independent, methodologically sound evaluation of the effectiveness of the activities carried out with such grant and will submit such evaluation to the Secretary.".

(b) LIMITATIONS.—(1) Section 408(b)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(b)(1)) is amended—

(A) by striking out "Grants" and inserting in lieu thereof "(A) Except as provided for in subparagraph (B), grants";

(B) by striking out "new" each place it appears; and

(C) by adding at the end thereof the following new subparagraph:

"(B) After the initial fiscal year that an eligible entity receives a grant under this section to carry out a program, the amount of a subsequent grant made under this section to such entity to carry out such program may not exceed 80 percent of the amount of the grant previously received by such entity under this section to carry out such program.".

(2) Section 408(b)(3) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(b)(3)) is amended—

(A) by inserting "in each fiscal year" after "one grant";

(B) by striking out "$250,000" and inserting in lieu thereof "$350,000"; and

(C) by adding at the end thereof the following new sentence: "Not more than tow grants may be made under this section to an eligible entity to carry out a particular program.".

(c) DISSEMINATION OF RESULTS.—Section 408(c) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(c)) is amended to read as follows:

"(c) DISSEMINATION OF RESULTS.—As soon as practicable, but not later than 180 days after the end of the fiscal year that a recipient of a grant under this section completes the expenditure of such grant, the Secretary shall prepare and make available to each State and each eligible entity a description of the program carried out with such grant, any relevant information developed and results achieved, and an evaluation of such program so as to provide a model of innovative programs for other eligible entities.".

(d) DEFINITION.—Section 408(d)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(d)(1)) is amended by inserting before the semicolon the following: ", except that such term includes an organization that serves migrant and seasonal farmworkers and that receives a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) in the fiscal year preceding the fiscal year that such organization requests a grant under this section".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408(e) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(e)) is amended—

(1) by striking out "is" and inserting in lieu thereof "are";

(2) by striking out "each of the fiscal years 1987, 1988, and" and inserting in lieu thereof "fiscal year"; and

(3) by inserting "and $7,500,000 for fiscal year 1990" after "1989".

(f) REPORT TO CONGRESS.—Section 408 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b) is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) REPLICATION OF PROGRAMS.—

"(1) The Secretary shall annually identify programs that receive grants under this section that demonstrate a significant potential for dealing with particularly critical problems of the poor that exist in a number of communities.

"(2) Not less than 10 percent, and not more than 30 percent, of the funds appropriated for each fiscal year to carry out this section shall be available to make grants under this section to replicate programs identified under paragraph (1) in additional geographical areas.

"(e) REPORT TO CONGRESS.—The Secretary shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report containing—

"(1) (A) a description of programs that received grants under this section during the previous fiscal year; and

"(B) an evaluation of the effectiveness of such programs in such fiscal year; and

"(2) a description of the methods used by the Secretary to comply with subsection (c);

"(3) recommendations of the Secretary regarding the suitability of carrying out such programs with funds made available under other Federal laws; and

"(4) a description of each program identified under subsection (d)(1) or replicated under subsection (d)(2), and an identification of the geographical location where such program was carried out.".

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

(a) VOLUNTEERS IN SERVICE TO AMERICA.—Section 501(a)(1) (42 U.S.C. 5081(a)(1)) is amended in paragraph (1)—

(1) by striking out "and" after "1988,"; and

(2) by inserting before the period at the end thereof the following: ", $30,600,000 for fiscal year 1990, $39,900,000 for fiscal year 1991, $47,800,000 for fiscal year 1992, and $56,000,000 for fiscal year 1993".

(b) VISTA LITERACY CORPS.—Section 501(a) (42 U.S.C. 5081) is amended—

(1) in paragraph (2)—

(A) by striking out "and" after "1988,";

(B) inserting before the period at the end thereof the following: ", $6,000,000 for fiscal year 1990, $8,000,000 for fiscal year 1991, $10,000,000 for fiscal year 1992, and $12,000,000 for fiscal year 1993"; and

(2) in paragraph (3), by striking out "1987, 1988, and 1989" and inserting in lieu thereof "1987 through 1993".

(c) SERVICE-LEARNING PROGRAMS.—Section 501(b) (42 U.S.C. 5081(b)) is amended by inserting before the period at the end thereof the following: ", and $1,900,000 for fiscal year 1990, $2,000,000 for fiscal year 1991, $2,100,000 for fiscal year 1992, and $2,200,000 for fiscal year 1993";

(d) SPECIAL VOLUNTEER PROGRAMS.—Section 501(c) (42 U.S.C. 5081(c)) is amended in the first sentence by inserting before the period at the end thereof the following: ", and $1,100,000 for fiscal year 1990, $1,150,000 for fiscal year 1991, $1,200,000 for fiscal year 1992, and $1,275,000 for fiscal year 1993"; and

(e) YEARS OF VOLUNTEER SERVICE.—Section 501(d) (42 U.S.C. 5081(d)) is amended in subsection (d)—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(D) 2800 years of volunteer service in fiscal year 1990;

"(E) 3100 years of volunteer service in fiscal year 1991;

"(F) 3600 years of volunteer service in fiscal year 1992; and

"(G) 4100 years of volunteer service in fiscal year 1993.".

SEC. 702. PRIORITY.

Section 501(d) (42 U.S.C. 5081(d)) is amended by adding at the end thereof the following new paragraph:

"(4) In the event that the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in subsection (d)(1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds must be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.".

SEC. 703. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end thereof the following new subsection:

"(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, 20 percent of the total amount appropriated under sections 501 and 502 of this Act.".

SEC. 704. OLDER AMERICAN VOLUNTEER PROGRAMS.

(a) RETIRED SENIOR VOLUNTEER PROGRAM.—Section 502(a) (42 U.S.C. 5082(a)) is amended—

(1) by striking out "and" after "1988,"; and

(2) by inserting after "1989" the following: ", $39,900,000 for fiscal year 1990, $43,900,000 for fiscal year 1991, $48,300,000 for fiscal year 1992, and $53,100,000 for fiscal year 1993,";

(b) FOSTER GRANDPARENT PROGRAM.—Section 502(b) (42 U.S.C. 5082(b)) is amended—

(1) by striking out "and" after "1988,";

(2) by inserting after "1989" the following: ", $70,800,000 for fiscal year 1990, $80,900,000 for fiscal year 1991, $91,700,000 for fiscal year 1992, and $98,200,000 for fiscal year 1993,"; and

(c) SENIOR COMPANION PROGRAM.—Section 502(c) (42 U.S.C. 5082(c)) is amended—

(1) by striking "and" after "1988,"; and

(2) by inserting after "1989" the following: ", $36,600,000 for fiscal year 1990, $39,000,000 for fiscal year 1991, $44,700,000 for fiscal year 1992, and $48,700,000 for fiscal year 1993,"

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in the first section (42 U.S.C. prec. 1951) is amended—

(1) by inserting after the item relating to section 109 the following new item:

"Sec. 110. Applications for assistance by previous recipients.";

(2) by striking out the item relating to the heading for part B of title I and inserting in lieu thereof the following new item:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(3) by striking out the item relating to section 114 and inserting in lieu thereof the following new item:

"Sec. 114. Student community service program.";

(4) by striking out the item relating to section 124 and inserting in lieu thereof the following new item:

"Sec. 124. Drug abuse education and prevention services and activities.";

(5) by striking out the item relating to the heading of title II and inserting in lieu thereof the following new item:

"TITLE II—OLDER AMERICAN VOLUNTEER PROGRAM";

(6) by inserting after the item relating to the heading of title II the following new item:

"Sec. 200. Purposes.";

(7) by striking out the item relating to section 221 and inserting in lieu thereof the following new item:

"Sec. 221. Promotion of older American volunteer programs.";

(8) by adding at the end of the item relating to part D of title II the following new item:

"Sec. 225. Adjustments to Federal financial assistance."; and

(9) by striking out the item relating to section 502 and inserting in lieu thereof the following new item:

SEC. 802. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 4951 et seq.) is amended—

(1) in the heading of title II (42 U.S.C. prec. 5001), by striking out "NATIONAL";

(2) in section 212(b) (42 U.S.C. 5012(b)), by striking out "a community action agency" and all that follows through the period and inserting in lieu thereof "an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)).";

(3) in section 224 (42 U.S.C. 2054), by striking out "programs" and inserting in lieu thereof "projects"; and

(4) in the heading of section 502 (42 U.S.C. 5082) by striking out "NATIONAL".

"Sec. 502. Older Americans volunteer programs.".

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective October 1, 1989, or on the date of the enactment of this Act, whichever occurs later.●

By Mr. BOSCHWITZ (for himself, Mr. HEFLIN, Mr. DOLE, Mr. LUGAR, Mr. BOND, Mr. CONRAD, and Mr. LEAHY):

S. 1427. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize

the distribution of wholesome meat and poultry products for human consumption that have been seized and have been condemned under such acts to charity and public agencies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WHOLESOME MEAT CHARITY DISTRIBUTION ACT

● Mr. BOSCHWITZ. Mr. President, today I am introducing a bill that will help in our continuing fight against hunger in America. I am pleased that Senators HEFLIN, DOLE, LUGAR, BOND, CONRAD, and LEAHY have joined me as cosponsors of this legislation. This bill allows perfectly wholesome meat confiscated by the Federal Government because it was fraudulently mislabeled to be donated to charitable organizations that feed the hungry.

Under the Federal Meat Inspection Act, the Federal Government is required to confiscate meat that has been "mislabeled." In most cases the Government confiscated meat that simply carries a higher label than is accurate. For example, that would include meat labeled "prime" that is actually "choice." The meat, however, is still entirely fit for human consumption.

Once the Federal Government seizes the meat, an attempt is made to adjudicate the case in court. If the defendant loses or makes a settlement that leaves the meat in the Government's possession, the court is responsible for disposing of the meat. There are two choices: sell it, with the proceeds going to the Government, or destroy it.

My bill would provide the court with a third option. It would allow the meat to be donated to nonprofit organizations that feed the hungry. I must stress that before the meat could be donated to a charitable organization, the meat must have passed every inspection procedure mandated by the Federal Meat Inspection Act. Any meat that fails to meet the same rigorous standards applied to meat in local grocery could not be donated to a charitable organization.

Simply put, this is common sense. Wholesome meat that might be thrown out can now be donated to a charitable organization and put to good use. Many food banks or soup kitchens would be able to serve more people in need through this simple change.

Back in 1983, I joined the Nutrition Subcommittee because of my growing concern with the problem of hunger and my interest in the ways the Federal Government can address that problem. I have been a strong supporter of Federal nutrition programs such as WIC, school lunch, school breakfast, and food stamps.

It's true that a number of people in this country struggle to get enought to eat. But it's also true that the Federal Government spends a lot of money getting to the hungry and improving the nutritional status of large segments of the population.

I have long believed that private sector efforts must play an important role in helping to alleviate hunger in our country. There is no single solution to the problem of hunger. Rather, all the pieces, Federal nutrition programs, State programs, and private sector efforts, need to fit together to achieve a healthy well-fed America. I will continue to work for a greater public-private cooperation in reducing hunger and malnutrition in America.

I strongly urge my Senate colleagues to cosponsor the Wholesome Meat Charity Distribution Act of 1989.●

By Mr. SARBANES:

S. 1428. A bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices; to the Committee on Finance.

SOCIAL SECURITY ADMINISTRATION SERVICES PRESERVATION ACT

● Mr. SARBANES. Mr. President, today I am introducing the Social Security Administration Services Preservation Act of 1989. This legislation would establish procedures to be used when the Social Security Administration proposes to close a field office.

Public confidence in the Social Security Program is vital to its effectiveness and is based, at least in part, on the service the agency provides. The agency's extensive network of offices plays an important role in providing quality service to the millions of Americans who depend upon Social Security programs. As early as 1958, the agency recognized that the location of its offices around the country contributes to both public confidence and cooperation.

In recent years, the Social Security Administration has closed, moved, and recategorized service offices without adequate consideration of the public interest. This legislation would establish a process for considering such actions that would ensure that organizations, employees, and Social Security beneficiaries all receive adequate notice of the proposed change.

This bill would also require the agency to list, as part of its annual budget submission, those offices which have been closed in the preceding year as well as those that the agency plans to close. At present, Mr. President, there is no readily available source of this information even though it is clearly important if we in Congress are to be informed about the agency's service to our constituents.

The procedures in the legislation are based both on the procedures for office closings employed by the U.S. Postal Service and on guidelines that the Social Security Administration issued on April 25, 1980. Those guidelines, part of an Administrative Directives System, outlined the agency's policy. They specified that:

> The prime purpose of any service area or facility change will be to directly improve public service, increase operational or administrative efficiency, or both. The assumption is that improvements in operational or administrative efficiency can be shown to result at least indirectly in improved public service, but where change would bring these two concepts or goals into conflict with one another, public service consideration should be carefully weighed in light of the costs involved.

The guidelines go on to specify the criteria that should be used in decisions about closing and relocating facilities. Among the key criteria discussed are shifts in population, demand for personal service, socioeconomic changes, transportation availability, and public reaction to the proposal. If the Social Security Administration had followed these guidelines in recent years, the need for the legislation I am introducing would not be as pressing. However, the guidelines have been repeatedly revised and, more importantly, there appears to be little adherence to the agency's own procedures.

The 1987 closing of a Social Security Administration office in the State of Maryland illustrates the need for this legislation. In the fall of that year, the agency decided to close its Dunbar office located in east Baltimore. That office had been opened in the late 1960's as part of an effort to provide a variety of community services at one central location. Assistance in various areas, such as employment and day care, was offered in a former high school in the Dunbar community. The Social Security office served as the focal point of the center and received frequent referrals from the State and local agencies located there. The demand for services from this community was noticeably high.

The closing of the Social Security office means that, while residents of the area still receive many other services from the Dunbar location, it is necessary for them to go outside of their community for Social Security assistance. The Dunbar office served a community that includes many elderly and disabled residents who find it almost impossible to travel across town to other offices.

The agency's decision to close this particular office was never fully justified. They maintained that their quality of service and operating efficiency would be enhanced by telephone and computer modernization. However, my constituents, my casework staff, and the General Accounting Office have all reported a number of problems with the new equipment and with telephone accessibility. Many serious concerns about the teleservice program were also raised at a hearing held in

April by my colleagues on the Senate Special Committee on Aging.

Even assuming that the telephone system may eventually be fully functional, the agency itself noted that more than 15 percent of households in the east Baltimore area do not have telephones. Therefore, those residents now have no choice except to travel the extra distance to the downtown office. The agency's arguments for closing that office were especially unconvincing given that the Dunbar office had been handling a heavy caseload both efficiently and effectively. At the time it was shutdown, the branch office employed eight people who had a reputation throughout the Baltimore area for the quality of their service and the personal assistance they provided for clients.

The service delivery review that the agency used to justify the proposal to close the office included little serious analysis and did not consider alternative field office arrangements. However, the most surprising thing about that review process was its failure to involve the community in assessing its own service needs. The agency did not provide community groups or Social Security beneficiaries in the Dunbar area with an opportunity to participate in the service review process.

Mr. President, the Social Security Administration clearly did not follow its written procedures in this particular decision to close an office. I am sure that many of my colleagues are aware of situations in their own States in which a service office was closed or downgraded without input from community groups and without adequate consideration of the public interest. As many of us so painfully remember, the last administration proposed closing more than 750 service offices in mid-1985. Thanks to the congressional and public outrage sparked by that proposal, the mass closings were not done. However, since that time the agency has gradually targeted many of those same offices for closure or recategorization.

This legislation would assure that the need for personal attention of many Social Security beneficiaries, such as senior citizens and handicapped persons, is considered before an office is closed. It recognizes that residents of areas that are characterized by low levels of income or education often have a greater need for personal assistance. In the 1960's and 1970's, the agency opened many offices in areas that are socially or economically disadvantaged. It disturbs me that many of the those very offices are among the ones that the agency has targeted for closure in recent years.

This act would also ensure that all decisions to close, recategorize, or move a Social Security office are considered using a fair process. It would prevent the administration from basing such decisions on political interests instead of on the needs of this Nation's citizens.

Mr. President, I hope that this important legislation will be promptly approved by the Senate and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1428

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 "Social Security Administration Services Preservation Act of 1989."

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the service philosophy of the Social Security Administration recognizes that the effective administration of programs depends upon the goodwill and acceptance of the public;

(2) the Statement of Objectives of the Social Security Administration in the year of 1958 recognized that public confidence and cooperation is partially based on the locations and appearances of offices;

(3) the mission of the Social Security Administration touches the lives of virtually all United States citizens and therefore offices of the Administration need to be readily accessible to all citizens regardless of residence;

(4) many United States citizens, especially many among the handicapped and the elderly, need personal attention to needs and should not be unnecessarily deprived of access to agency officers;

(5) discrepancies exist between the formal procedures for closing, consolidating, and recategorizing Social Security Administration offices and the practice often used;

(6) the procedures used for such decisions are inconsistent and often too informal;

(7) the procedures used in many closings, moves, and recategorizations have not adequately considered the interests of the individuals affected by the decisions; and

(8) all changes in the status and location of Social Security Administration offices should be considered in such a way as to not undermine public confidence in the Social Security program.

(b) The purposes of this Act are to—

(1) ensure that the public interest is considered and protected in all decisions to close, consolidate, or recategorize Social Security Administration offices; and

(2) establish a fair procedure to be followed in all such decisions.

CONSOLIDATION, CLOSING, OR RECATEGORIZATION OF A SOCIAL SECURITY ADMINISTRATION OFFICE

SEC. 3. Title VII of the Social Security Act is amended by adding at the end thereof the following new section:

"CONSOLIDATION, CLOSING OR RECATEGORIZATION OF A SOCIAL SECURITY ADMINISTRATION OFFICE

"SEC. 712. (a) For purposes of this section, the term—

"(1) 'adequate public notice' means the conspicuous posting of a formal notice at the affected office and the mailing of a written notice to at least—

"(A) the employees of the affected office;

"(B) the regularly published local press serving the affected community;

"(C) all elected local public officials, community groups, and county, parish, and State welfare offices, and any other affected or relevant organization; and

"(D) the Members of Congress who serve the area in which the affected office is located;

"(2) 'move' with respect to an office means any change in the physical location of such office, unless such move is within the same political subdivision and is necessitated by an involuntary loss of a lease or a need for additional space;

"(3) 'office' includes all field offices, district offices, and hearings and appeals offices of the Social Security Administration;

"(4) 'political subdivision' means a component of a county or large city which has a common civic identity characterized by neighborhood pride, independence, or homogeneous ethnic, racial, religious, or economic background; and

"(5) 'recategorize' means the process of scaling down an office to a lesser status or level of function.

"(b) The Social Security Administration, after making a determination as to the necessity for the closing, consolidation, or recategorization of any office, shall provide adequate public notice of such determination at least 90 days prior to the proposed date of such closing, consolidation, or recategorization. Such notice shall include an invitation for written comments on the proposal and shall include an address for mailing such comments.

"(c) When making a determination to close, consolidate, or recategorize an office, the Social Security Administration shall consider—

"(1) the effect of such change on the community served by such office including the availability of public transportation to any site, the socioeconomic status of the community, the caseload of the affected office, and such other factors as the Social Security Administration determines are necessary;

"(2) the need of the community for personal service, relative to mail or telephone service, based on demographic information such as educational and literacy levels;

"(3) the effect of such determination on employees of the Social Security Administration at such office; and

"(4) the economic savings to the Social Security Administration resulting from the change.

"(d) The Commissioner of Social Security or the Deputy Commissioner of Social Security shall approve all preliminary and final determinations to close offices that are open full-time and provide a full range of services. The authority to make other preliminary and final determinations may be delegated by the Commissioner.

"(e) Any preliminary determination of the Social Security Administration to close, consolidate, or recategorize an office shall be in writing and shall include the findings of the Social Security Administration with respect to the considerations required under subsection (c).

"(f) A public hearing shall be—

"(1) held upon written request;

"(2) held no earlier than 60 days after adequate public notice of such hearing is made;

"(3) conducted on all proposals to consolidate, close, or recategorize the affected office;

"(4) held at or near the location of the affected office; and

"(5) conducted by an official designated by the regional or central office.

"(g) Within 30 days after the hearing held under the provisions of subsection (f) or after the 90-day period described under subsection (b), whichever is later, the Social Security Administration shall—

"(1) issue a final report that—

"(A) incorporates all of the testimony provided at the public hearing and all written comments received; and

"(B) specifies the final determination of the status of the affected office;

"(2) send copies of the final report to the local community press and the appropriate Members of Congress; and

"(3) provide adequate public notice of the final determination, including a notice that copies of the full final report may be viewed or obtained, without charge, at the affected office.

"(h) A final determination of the Social Security Administration to close, consolidate, or recategorize an office may be appealed by any person served by such office to the Commissioner of Social Security. Such appeal shall be filed no later than 30 days following adequate public notice of the final determination under subsection (g)(3). The Commissioner shall review such determination on the basis of the record before the Social Security Administration in deciding such appeal. The Commissioner shall set aside any determination, finding, or conclusion found to be—

"(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(2) without observance of procedure required by law; or

"(3) unsupported by substantial evidence on the record.

"(i) No action may be taken to close, move, or recategorize any office during the 30 days following the announcement of a decision nor during the time that any level of appeal is pending.

"(j) The Social Security Administration shall include in its annual budget submission to the Congress a list of all offices, as defined under subsection (a)(3), and all contact stations that—

"(1) were closed or discontinued during the year preceding the date of such submission; and

"(2) are scheduled to be closed or discontinued and the date that such action is planned.".●

By Mr. KENNEDY (for himself, Mr. MITCHELL, Mr. PELL, Mr. NUNN, Ms. MIKULSKI, Mr. DODD, Mr. ROBB, Mr. GRAHAM, Mr. SIMON, Mr. MATSUNAGA, and Mr. BUMPERS):

S. 1430. A bill to enhance national and community service, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

● Mr. KENNEDY. Mr. President, I am pleased to introduce, on behalf of Senators MITCHELL, PELL, NUNN, MIKULSKI, DODD, ROBB, GRAHAM, SIMON, MATSUNAGA, and BUMPERS, the National and Community Service Act of 1989.

This legislation reflects a broad-based consensus on the shape of legislation to encourage Americans of all ages to participate in public service. The key participants in developing this compromise are Senator PELL, Senator MIKULSKI, Senator DODD, and Senator NUNN, and I commend each of them for their contributions.

Our goal is ambitious—to revive the spirit of service in America that has too often been obscured in recent years by other values in our society. Service to others is a concept that was at the heart of President Kennedy's New Frontier, and it is an ideal that has served America well throughout our history. All of us involved in the present effort believe that it is time for the Federal Government to offer more visible national leadership to advance this ideal. President Bush has expressed a similar commitment and concern, and we look forward to working closely with the administration as this legislation moves through the Congress.

At least 10 national and community service bills have been introduced this year in the Senate, ranging in cost from $5 million to $5 billion, and involving many different approaches to national service. The Labor Committee held four hearings on these proposals, and we created an informal task force to review the bills. The compromise we have achieved is a worthwhile measure that includes the best features of all the bill, and the price tag is within realistic budget constraints.

In developing this proposal, we emphasized several key principles. Community service should be the common experience of all citizens. The call to service should come early, and it should be a vital part of education for citizenship in every school system in the Nation. The lesson of service learned in youth will last a lifetime. To advance this goal, title I of the proposal provides $100 million for school- and college-based opportunities to encourage young people to serve in their own communities. I have called this concept "Serve America" and I hope it will enable millions of young students across the country to take advantage of the opportunities for service that will be provided.

We also recognize that many citizens, having learned the lesson of service, will want to make an even greater commitment to our country. They may choose to serve in the military, in VISTA, the Peace Corps, or similar ways. In order to expand the universe of full-time service opportunities, our proposal authorizes $100 million for youth service corps programs, modeled after the conservation corps already established in many States. Through these programs, young Americans will provide services in a wide range of important areas, such as cleaning up the environment, responding to hunger, homelessness, disease, and poverty, and meeting other pressing human needs.

We also believe in providing opportunities to young persons to earn benefits. For too many Americans today, especially those who live at or near the poverty level, a college education and a decent home are out of reach. Our bill provides a demonstration program to make education and housing more readily available to those who participate in full-time or part-time national service. The demonstration program will make $100 million available in its first year.

Other aspects of the bill will expand existing national service programs. We will restore VISTA to its peak level of the past, and expand the Older American Volunteer programs to include many more senior volunteers in issues of national priority. Most of the current programs are legacies of President Kennedy's call to service. The thousands of persons who have already served in these programs, and the millions who have been helped by them are continuing proof of their merit.

We have also included a further role for senior citizens. In addition to expanding the existing volunteer programs, the bill will encourage the involvement of elderly Americans in the school-based and national service demonstration programs as teachers, advisers, and participants. As our population ages, a larger and larger army of senior citizens is waiting to be asked to help America do a better job of meeting its basic needs. Senior citizens have already done a great deal for this country—and given the opportunity, they will do a great deal more.

Finally, I want to emphasize that there is nothing partisan about this proposal. President Bush has already announced a thoughtful and worthwhile proposal. All of us are committed to working closely with the administration to ensure that this bill is as effective and successful as possible. America deserves no less, and we will be on the road to a stronger and better country in the future when national service legislation reaches the President's desk.

I urge my colleagues to support this legislation.

I ask unanimous consent that the entire text of the bill be printed in the RECORD.

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

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

Sec. 2 Findings.
Sec. 3. Purposes.
TITLE I—SCHOOL BASED COMMUNITY SERVICE
PART A—SCHOOL BASED COMMUNITY SERVICE
Sec. 101. Short title.
Sec. 102. Program authorized.
Sec. 103. Definitions.
Sec. 104. Allocation of funds.
Sec. 105. State application.
Sec. 106. Local application.
Sec. 107. Federal share.
Sec. 108. Use of funds.
Sec. 109. Federal activities.
Sec. 110. Evaluation.
Sec. 111. Authorization of appropriations.
PART B—HIGHER EDUCATION
Sec. 121. Innovative projects for community service.
PART C—WORK STUDY PROGRAMS
Sec. 131. Additional reservation for campus-based community work learning study jobs.
Sec. 132. Work study programs.
PART D—PUBLICATION
Sec. 141. Information for students.
Sec. 142. Exit counseling for borrowers.
Sec. 143. Department information on deferments and cancellations.
Sec. 144. Data on deferments and cancellations.
PART E—DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION
Sec. 151. Loan cancellation authorized.
Sec. 152. Technical amendment.
Sec. 153. Effective date.
PART F—LOAN FORGIVENESS
Sec. 161. Loan forgiveness.
Sec. 162. Effective date.
TITLE II—YOUTH SERVICE CORPS
Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Program authorized.
Sec. 204. Allocation of funds.
Sec. 205. State application.
Sec. 206. Focus of programs.
Sec. 207. Related programs.
Sec. 208. Public lands or indian lands.
Sec. 209. Training and education services.
Sec. 210. Amount of award.
Sec. 211. Matching requirement.
Sec. 212. Preference for certain projects.
Sec. 213. Effect of earnings on eligibility for other Federal assistance.
Sec. 214. Age and education criteria enrollment.
Sec. 215. Post-service benefits.
Sec. 216. Living allowance.
Sec. 217. Joint projects involving the Department of Labor.
Sec. 218. Federal and State employee status.
Sec. 219. Authorization of appropriations.
TITLE III—NATIONAL SERVICE DEMONSTRATION PROGRAM
Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Grants.
Sec. 304. Types of national service.
Sec. 305. Terms of service.
Sec. 306. Eligibility.
Sec. 307. Vouchers.
Sec. 308. Living allowance.
Sec. 309. Training.
Sec. 310. Use of funds.
Sec. 311. In-service education benefits.
Sec. 312. National Service Demonstration Program amendments.
Sec. 313. Authorization of appropriations.
TITLE IV—CORPORATION FOR NATIONAL SERVICE
Sec. 401. Definitions.
Sec. 402. Establishment of Corporation; application of District of Columbia Nonprofit Corporation Act.
Sec. 403. Board of directors.
Sec. 404. Officers and employees.
Sec. 405. Nonprofit and nonpolitical nature of the Corporation.
Sec. 406. Housing and education vouchers; living allowances.
Sec. 407. Reports.
Sec. 408. Supplementation.
Sec. 409. Prohibition on use of funds.
Sec. 410. Nondiscrimination.
Sec. 411. Notice, hearing, and grievance procedures.
Sec. 412. Nonduplication and nondisplacement.
Sec. 413. State advisory board.
Sec. 414. Evaluation.
Sec. 415. Funding.
Sec. 416. Functions of the National Service Board.
Sec. 417. Presidential awards for service.
Sec. 418. Comprehensive service strategy.
TITLE V—EXPANSION OF VOLUNTEERS IN SERVICE TO AMERICA
Sec. 501. Short title.
Sec. 502. Authorization of appropriations.
TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS
Sec. 601. Short title.
Sec. 602. Programs of national and local significance.
Sec. 603. Authorization of appropriations.

SEC. 2 FINDINGS.

Congress finds that—

(1) service to the community and the Nation is a responsibility of all American citizens, regardless of the economic level or age of such citizens;

(2) citizens who become engaged in service at a young age will better understand the responsibilities of citizenship and continue to serve the community into adulthood;

(3) serving others builds self-esteem and teaches teamwork, decision making, and problem-solving;

(4) the 70,000,000 youth of the United States who are between ages 5 and 25 offer a powerful and largely untapped resource for community service;

(5) Conservation Corps and Human Service Corps provide important benefits to participants and to the community;

(6) the Volunteers in Service to America Program (hereinafter referred to as "VISTA"), as established by the Domestic Volunteer Act of 1973 (42 U.S.C. 4951), is one of the most cost effective means to fight poverty in the United States;

(7) the cost of higher education, loan indebtedness, and the high price of housing deter many young adults from volunteering for VISTA and other service programs that involve a substantial time commitment;

(8) older Americans, through the Older American Volunteer Programs (as established by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951)), provide 500,000,000 hours of service each year and are a vital force in addressing national problems;

(9) many potential volunteers cannot participate in a full-time volunteer service program, but should have the option of part-time service in such a program;

(10) a range of full-time and part-time national and community service opportunities should be made available to all citizens, particularly youth and older Americans.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) renew the ethic of civic responsibility in the United States;

(2) ask citizens of the United States, regardless of age or income, to engage in full-time or part-time service to the Nation;

(3) begin to call young people to serve in national volunteer programs;

(4) enable young Americans to make a sustained commitment to national service by removing barriers to such service that have been created by high education costs, loan indebtedness, and the cost of housing;

(5) build on the existing organizational framework of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens, particularly youth and older Americans;

(6) involve volunteers in activities that would not otherwise be performed by employed workers; and

(7) generate 1,000,000,000 additional volunteer service hours to help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty.

TITLE I—SCHOOL BASED COMMUNITY SERVICE

PART A—SCHOOL BASED COMMUNITY SERVICE

SEC. 101. SHORT TITLE.

This part may be cited as "Serve America, the Service to America Act of 1989".

SEC. 102. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized, in accordance with the provisions of this Act, to make grants to States or local applicants to create or expand service opportunities for students and out-of-school youth and for community members, particularly senior citizens, to volunteer in schools.

(b) TERM OF GRANT.—The term of the grants may be for a period of not longer than 3 years.

SEC. 103. DEFINITIONS.

For purposes of this part—

(1) The term "community-based agency" means a private nonprofit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, or environmental community needs.

(2) The term "education institution" means a local educational agency, elementary or secondary school or a community-based agency that provides educational services.

(3) The term "education partnership program" means a program in which school volunteers work in an educational institution in support of the school's objectives to enhance the education of students.

(4) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965.

(5) The term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965.

(6) The term "local educational agency" has the same meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(7) The term "local government agency" means a public agency that is engaged in meeting human, social, educational, or environmental needs.

(8) The term "out-of-school youth" means an individual who has not attained the age of 25, has not completed college or the equivalent, and is not enrolled in an elementary or secondary school or institution of higher education.

(9) The term "participant" means a student or out-of-school youth who provides services pursuant to a program funded under this title.

(10) The term "partnership program" means a cooperative effort to enhance the education of students among an education institution and one or more of the following:

(A) the private sector;

(B) public and non-profit agencies;

(C) institutions of higher education; and

(D) community organizations.

(11) The term "placement" means the matching of a participant or team with a specific project.

(12) The term "project" means any activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and which shall not duplicate the routine services or functions of the employer to whom participants are assigned.

(13) The term "school volunteer" means a person beyond the age of compulsory schooling, including an older American, an employee of a private business, an employee of a public or nonprofit agency, or any other individual working without financial remuneration and under the direction of professional staff within a school or school district.

(14) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(15) The term "Secretary" means the Secretary of Education.

(16) The term "service opportunity" means a program or project enabling students or out-of-school youth to perform meaningful and constructive service in agencies, institutions, and situations where the application of human talent and dedication may help to meet human, educational, and environmental community needs, especially those relating to poverty.

(17) The term "State" means a State, the Commonwealth of Puerto Rico, Guam, the District of Columbia, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau.

(18) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(19) The term "State educational agency" has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

(20) The term "student" means an individual who is enrolled full-time or part-time in an elementary or secondary school or institution of higher education.

(21) The term "student community service program" means a program in which students or out-of-school youths are offered service opportunities in the community or an educational institution.

SEC. 104. ALLOCATION OF FUNDS.

(a)(1) The Secretary shall use 85 percent of the funds appropriated under section 111 to make grants to States that have submitted applications under section 105.

(2)(A) In awarding grants to States, the Secretary shall consider the number of students enrolled in elementary and secondary schools in the State, the quality of the proposal, and evidence of State commitment to the program.

(B) If more than $50,000,000 is appropriated for this part, then the Secretary shall allocate 85 percent of the funds appropriated under section 110 according to the chapter 1 basic grant formula described in section 1005 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 to States that have applications approved under section 105.

(b) REMAINDER.—The Secretary shall use the remaining 15 percent of the funds appropriated under section 111 for program support, evaluation, training, technical assistance, and activities described in section 108.

(c) LOCALITY APPLICATION.—If a State does not apply for assistance under this part or if a State does not have an application approved under section 105, the Secretary, may make grants directly to local applicants. The Secretary shall apply the criteria described in section 106 in evaluating such local applications.

SEC. 105. STATE APPLICATION.

(a) APPLICATION REQUIRED.—Each State desiring to receive a grant under this part shall, through the State educational agency, submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each of such applications shall describe how—

(1) local applications will be ranked according to criteria described in section 106;

(2) service programs in the State will be coordinated;

(3) cooperative efforts among education institutions, local government agencies, community-based agencies, businesses, and State agencies to provide service opportunities, including those that involve the participation of urban, suburban, and rural youth working together will be encouraged;

(4) economically and educationally disadvantaged students are assured service opportunities;

(5) evaluate service programs receiving funds under this title will be evaluated;

(6) programs funded under this part will serve urban and rural areas and any tribal areas that exist in such State;

(7) technical assistance and training will be provided to service programs in the State;

(8) non-Federal funds will be used to expand service opportunities for students and out-of-school youth; and

(9) disseminations of information and outreach will be used to ensure involvement of a broad range of organizations, particularly community-based organizations.

SEC. 106. LOCAL APPLICATION.

(a) APPLICATION REQUIRED.—(1)(A) Any education institution, local government agency, community-based agency or consortia thereof desiring to receive a grant under this part shall form a partnership consisting of 1 or more education institutions and 1 or more local government or community-based agencies.

(B) The provisions of subparagraph (A) shall not apply if the applicant is (A) an education institution that plans to provide service opportunities solely within an education institution; or (B) an education institution that has formed a partnership with 1 or more private businesses to conduct an educational partnership program.

(2) Applicants shall apply to the State educational agency at such time and in such manner as the State educational agency may reasonably require. Each such application shall—

(A) contain a written agreement between the institution with which participants or school volunteers are affiliated and 1 or more representatives of the community or education institution where service opportunities will be provided that the program was jointly developed by the parties and that the program will be jointly executed by the parties;

(B) specify the membership and role of an advisory committee consisting of representatives of community agencies, service recipients, youth serving agencies, students, parents, teachers, administrators, labor, and business;

(C) describe the goals of the program, including goals that are quantifiable, measurable, and show the benefits to the participants or school volunteers and the community;

(D) set forth the service opportunities to be provided;

(E) describe how the participants or school volunteers will be recruited, including any special efforts to recruit out-of-school youth with the assistance of community-based agencies;

(F) describe how participants or school volunteers were or will be involved in the design and operation of the program;

(G) state the name, if available, qualifications, and responsibilities of the coordinator of any program assisted under this part;

(H) describe preservice and inservice training to be provided to supervisors and participants or school volunteers;

(I) describe the means by which outstanding service will be recognized; and

(J) describe potential resources that will permit continuation of the program, if needed, upon the conclusion of Federal funding.

(3) If the applicant plans to operate a student community service program, in addition to the above information, each applicant shall—

(A) described an age-appropriate learning component for participants that includes, but is not limited to, a chance for participants to reflect on service experiences and expected learning outcomes;

(B) describe whether or not the participants will receive academic credit for participation;

(C) set forth the target numbers of students and out-of-school youth who will participate in the program assisted under this part and the target numbers of hours of service such participants will provide individually and as a group;

(D) describe the proportion of expected participants who are educationally or economically disadvantaged;

(E) describe the ages or grade levels of expected participants;

(F) include other relevant demographic information about expected participants; and

(G) provide assurances that participants will be provided with information on VISTA, the Peace Corps, the Montgomery G.I. Bill Act of 1984, Full-time Youth Service Corps and National Service Demonstration programs funded under this Act, and other service options and their benefits, such as student loan deferment and forgiveness, as appropriate.

(b) APPROVAL.—(1) In the case of student community service programs, the State educational agency shall approve only local applications describing programs that provide—

(A) an age-appropriate learning component for participants to reflect on service experiences;

(B) preservice and inservice training for both supervisors and participants involving

representatives of the community where service opportunities will be provided; and

(C) evidence that participants will make a sustained commitment to the service project.

(2) In the case of school volunteer and partnership programs, the State educational agency shall only approve local applications describing programs that provide—

(A) preservice and inservice training for both supervisors and school volunteers;

(B) opportunities for school volunteers to work with at-risk children or their teachers.

(c) PRIORITY.—(1) In providing assistance pursuant to this part, the State educational agency shall give priority to applications describing—

(A) programs which involve participants in the design and operation of the program;

(B) programs in greatest need of assistance, such as programs targeting low-income areas;

(C) programs which involve individuals of different ages, races, sexes, ethnic groups, and economic backgrounds serving together; and

(D) in the case of applicants that are educational institutions, programs that are integrated into the academic program.

(2) In the case of a school volunteer and partnership program, the State educational agency shall give priority to applications describing programs—

(A) involving older Americans as school volunteers;

(B) involving a partnership between an educational institution and a private business in the community; or

(C) which focus on drug and alcohol abuse prevention, school drop-out prevention, or nutrition and health education.

(d) DURATION.—Grants to local applicants under this part may be for up to a 3-year period and are renewable for a second period of up to 3 years to expand or improve an existing program or to initiate a new program.

SEC. 107. FEDERAL SHARE.

(a) FEDERAL SHARE—STATE.—(1) Funds provided pursuant to this part shall not be used by a State to pay more than 75 percent of the costs of programs assisted under this title.

(2) The portion of costs of programs assisted under this part that are to be paid by a State applicant from sources other than Federal funds shall be in cash.

(b) FEDERAL SHARE—LOCAL.—(1) Funds provided pursuant to this part may not be used by a local applicant to pay more than—

(A) 90 percent of the costs of programs assisted under this title for the first year in which the applicant receives funds under this part;

(B) 80 percent of the costs of programs assisted under this title for the second year in which the applicant receives funds under this part;

(C) 70 percent of the costs of programs assisted under this title for the third year in which the applicant receives funds under this part; and

(D) 50 percent of the costs of programs assisted under this title for the fourth and each succeeding year in which the applicant receives funds under this part.

(2) The portion of the costs of programs assisted under this part that are to be paid by a local applicant from sources other than Federal funds may be paid in cash or in kind, fairly evaluated.

(3) If the portion of the costs of programs assisted under this part to be paid by a local applicant from sources other than Federal funds are paid by private profitmaking organizations then subsection (a) shall be applied by substituting—

(A) "85 percent" for "80 percent";

(B) "75 percent" for "70 percent"; and

(C) "65 percent" for "60 percent".

SEC. 108. USE OF FUNDS.

(a) STATES.—(1) States shall use no more than 20 percent of funds allocated under section 104 for the costs of administration, including training, technical assistance curriculum development, and coordination activities.

(2) States shall use no more than 10 percent of funds allocated under section 104 for school volunteer and partnership programs.

(b) LOCAL APPLICANTS.—Local applicants may use funds provided under this part for supervision of participants, program administration, training, reasonable transportation costs, insurance, and other reasonable expenses.

(c) STIPENDS.—Funds provided under this part shall not be used to pay any stipend, allowance, or other financial support to any participant except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses incident to participation in a program assisted under this part.

SEC. 109. FEDERAL ACTIVITIES.

(a)(1) The Secretary, in consultation with the National Service Board authorized under title IV of this Act, is authorized to fund one or more national or regional clearinghouses on service.

(2) Public and private nonprofit agencies with extensive experience in student community service and school volunteer and partnership programs shall be eligible to receive funds under paragraph (1) of this subsection.

(3) National and regional clearinghouses funded under paragraph (1) shall provide information, curriculum materials, technical assistance, and training to States and local entities eligible to receive funds under this part.

(b)(1) The Secretary is authorized to make grants to fund national model youth service programs.

(2) States, education institutions, local government agencies, community-based agencies, or consortia of the above organizations shall be eligible to receive grants under paragraph (1) of this subsection.

(3) The Secretary shall widely disseminate information about national model youth service programs funded under paragraph (1) of this subsection.

(c) The Secretary is authorized to make grants for the development of innovative curriculum materials for use in student community service programs and school volunteer and partnership programs.

SEC. 110. EVALUATION.

(a) EVALUATION.—The Secretary shall provide, through grants or contracts, for the continuing evaluation of programs assisted under this part, including evaluations that measure and evaluate the impact of programs authorized by this part, in order to determine program effectiveness in achieving stated goals in general and in relation to cost, the impact on related programs, and the structure and mechanisms for delivery. Such evaluations shall include, where appropriate, comparisons with appropriate control groups composed of individuals who have not participated in such programs. Evaluations shall be conducted by individuals not directly involved in the administration of the program evaluated.

(b) STANDARDS.—The Secretary shall develop and publish general standards for evaluation of program effectiveness in achieving the objectives of this part.

(c) INPUT.—In carrying out evaluations under this part, the Secretary shall include the opinions of program participants and members of the communities where services are delivered concerning the strengths and weaknesses of such programs.

(d) PUBLICATION.—The Secretary shall publish summaries of the results of evaluations of program impact and effectiveness no later than 60 days after the completion of such evaluation.

(e) OWNERSHIP OF PROPERTY.—All studies, evaluations, proposals, and data produced or developed with assistance under this part shall become the property of the United States.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part, $65,000,000 for fiscal year 1991, and such sums as may be necessary for each of the 4 succeeding years.

PART B—HIGHER EDUCATION

SEC. 121. INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

Part C of the Higher Education Act is amended to read as follows:

"PART C—INNOVATIVE PROJECTS FOR COMMUNITY SERVICE

"STATEMENT OF PURPOSE

"SEC. 1061. It is the purpose of this part to support innovative projects to determine the feasibility of encouraging student participation in community service activities before, during, or after the completion of such student's higher education.

"INNOVATIVE PROJECTS FOR COMMUNITY SERVICE

"SEC. 1062. (a) GENERAL AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this part, to make grants to, and contracts with, institutions of higher education (including combinations of such institutions), and other public agencies and nonprofit organizations working in partnership with institutions of higher education, for purposes including, but not limited to—

"(1) encouraging students to participate in community service activities that will engender a sense of social responsibility and commitment to the community;

"(2) creating opportunities for students to engage in community service activities in exchange for financial assistance that reduces the debt acquired by students in the course of completing postsecondary education;

"(3) encouraging student-initiated and student-designed community service projects; and

"(4) encouraging the integration of community service into academic curriculum.

"ADMINISTRATIVE PROVISIONS

"SEC. 1063. (a) APPLICATION.—No grant may be made, and no contract may be entered into, under section 1062 unless an application is made to the Director of the Fund for Improvement of Postsecondary Education (hereinafter referred to as the "Director") at such time, in such manner, and contained or accompanied by such information as the Director may reasonably require.

"(b) Consistent with the provisions of section 1003(c), the National Board of the Fund for the Improvement of Postsecondary Education shall advise the Director on programs, priorities, and the selection of projects developed under the authority of section 1062.

"(c) TECHNICAL EMPLOYEES.—(1) The Secretary may appoint, for terms not to exceed 3 years, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, technical employees to administer this title who may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) The Secretary may appoint no more than 1 technical employee for each $2,000,000 appropriated under section 1064.

"(d) The provisions of section 1004(b) shall apply to grants made under section 1062.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1064. There are authorized to be appropriated to carry out this part, $35,000,000 for fiscal year 1991, and such sums as may be necessary for each of the 4 succeeding years.".

PART C—WORK STUDY PROGRAMS

SEC. 131. ADDITIONAL RESERVATION FOR CAMPUS-BASED COMMUNITY WORK LEARNING STUDY JOBS.

Section 415B(a) of the Higher Education Act of 1965 is amended by inserting the following new paragraph at the end thereof:

"(3)(A) In the event the appropriation for this subpart exceeds $75,000,000, the Secretary shall, notwithstanding the provisions of section 415(C)(b)(3)(A), allot 50 percent of such excess to the States for the purpose described in section 415(C)(b)(3)(B).

"(B) The Secretary shall make the allotment required under subparagraph (A) on the basis of the number of students participating in campus-based community work learning study jobs assisted under this subpart in each State as compared to the total number of students participating in such jobs in all States.".

SEC. 132. WORK STUDY PROGRAMS.

(a) WORK STUDY PROGRAMS.—Section 443(b)(5) of the Higher Education Act of 1965 is amended by striking "and 70 percent for academic year 1990-1991" and inserting "70 percent for academic years 1990-1991 and 1991-1992, and 60 percent for academic year 1992-1993".

(b) COMMUNITY SERVICE LEARNING PROGRAMS.—Section 443(b)(5)(B) of the Act is amended by striking "90" and inserting "100".

PART D—PUBLICATION

SEC. 141. INFORMATION FOR STUDENTS.

(a) Section 485(a)(1) of the Higher Education Act of 1965 (hereafter in this part referred to as the "Act") is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following:

"(L) the terms and conditions under which students receiving guaranteed student loans under part B of this title or direct student loans under part E of this title, or both, may—

"(i) obtain deferral of the repayment of the principal and interest for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or for comparable full-time service as a volunteer for a tax-exempt organization, and

"(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973.".

(b) Section 487(a)(7) of the Act is amended by inserting before the period a comma and the following: "particularly the requirements of subsection (a)(1)(L) of such section".

SEC. 142. EXIT COUNSELING FOR BORROWERS.

Section 485(b) of the Act is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (2):

"(3) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer for a tax-exempt organization.".

SEC. 143. DEPARTMENT INFORMATION ON DEFERMENTS AND CANCELLATIONS.

Section 485(d) of the Act is amended by inserting the following before the last full sentence: "The Secretary shall provide information on the specific terms and conditions under which students may obtain partial cancellation or defer repayment of loans for service under the Peace Corps Act and Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances which a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization.".

SEC. 144. DATA ON DEFERMENTS AND CANCELLATIONS.

Section 485B(a) of the Act is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (4):

"(5) the exact amount of loans partially canceled or in deferment for service under the Peace Corps Act, for service under the Domestic Volunteer Service Act of 1973, and for comparable full-time service as a volunteer for a tax-exempt organization.".

PART E—DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 151. LOAN CANCELLATION AUTHORIZED.

(a) Section 465(a)(2) of the Higher Education Act of 1965 (hereafter in this part referred to as the "Act") is amended—

(1) by striking out "or" at the end of clause (D);

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(F) as a full-time volunteer in service comparable to service referred to in subparagraph (E) for an organization of demonstrated effectiveness which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code 1986.".

(b) Section 465(a)(3)(A) of the Act is amended—

(1) by striking out "or" at the end of clause (iii);

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(v) in the case of service described in subparagraph (F) of paragraph (2) at the rate of 15 percent for the first or second year of such service and 20 percent of the third or fourth year of such service.".

SEC. 152. TECHNICAL AMENDMENT.

(a) Section 464(a)(2)(A)(v) of the Act is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

(b) Section 465(a)(5) of the Act is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

SEC. 153. EFFECTIVE DATE.

The amendments made by sections 2 and 3 of this part shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this part to individuals who are new borrowers on that date.

PART F—LOAN FORGIVENESS

SEC. 161. LOAN FORGIVENESS.

(a)(1) Section 427(a)(2)(B)(ii) of the Higher Education Act of 1965 (hereafter in this Act referred to as the "Act") is amended by inserting after "that" a comma and the following: "subject to the provisions of subparagraph (H),".

(2) Section 427(a)(2) of the Act is amended by—

(A) striking out "and" at the end of subparagraph (G);

(B) redesignating subparagraph (H) as subparagraph (I); and

(C) inserting after subparagraph (G) the following new subparagraph (H):

"(H) provides (subject to section 432(f)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrative effectiveness for the payment by the United States of the percent of the amount of loans specified in section 432(f), and".

(b)(1) Section 428(b)(1)(D) of the Act is amended by inserting after "paragraph" the following: "and subject to subparagraph (V)".

(2) Section 428(b)(1) of the Act is amended by—

(A) striking out "and" at the end of subparagraph (T);

(B) striking out the period at the end of subparagraph (U) and by inserting in lieu thereof a semicolon and "and"; and

(C) adding at the end thereof the following new subparagraph:

"(V) provides (subject to section 432(f)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to serve as a volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness for the payment by the United States of the percent of the amount of loans specified in section 432(f).".

(c) Section 432 of the Act is amended by adding at the end thereof the following new subsection:

"(j) PARTIAL CANCELLATION AUTHORITY.—(1) The Secretary shall enter into an agreement with any student borrower described in section 427(a)(2)(H) or 428(b)(1)(V) under which the borrower agrees to serve as a volunteer under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness.

"(2) The agreement under paragraph (1) shall contain provisions designed to assure that—

"(A) the Secretary will assume the obligation of paying the percent of any loan made, insured, or guaranteed under this part pursuant to the schedule described in paragraph (5); and

"(B) the student borrower who fails to volunteer for service in accordance with the agreement will assume the obligation of paying the amount of any such loan attributable to the period for which the student borrower failed to comply with the agreement.

"(3) The Secretary shall in each fiscal year pay to the holder of each loan for which the Secretary assumes responsibility under this subsection the amount specified in paragraph (5).

"(4) The Secretary shall waive or suspend any obligation of service or payment of any, or any part of, the loan to which the United States is entitled under paragraph (2)(A) whenever the Secretary determines that compliance by an individual with the agreement is impossible or would involve extreme hardship to the individual.

"(5)(A) The percent of a loan which shall be paid by the United States under paragraph (2)(A) of this subsection is 15 percent for the first or second year of service and 20 percent for the third or fourth year of service described in paragraph (1).

"(B) If a portion of the loan is paid by the Secretary under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be paid by the Secretary.

"(C) Nothing in this subsection shall be construed to authorize refunding of any repayment on the loan.".

SEC. 162. EFFECTIVE DATE.

The amendments made by section 161 of this part shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this Act to individuals who are new borrowers on that date.

TITLE II—YOUTH SERVICE CORPS

SEC. 201. SHORT TITLE.

This title may be cited as the "American Conservation and Youth Service Corps Act of 1989".

SEC. 202. DEFINITIONS.

As used in this title—

(1) BOARD.—The term "Board" means the National Service Board established under title IV.

(2) CREW LEADER.—The term "crew leader" means a participant appointed under the authority of this title for the purpose of assisting in the supervision of other participants engaged in work projects pursuant to this title.

(3) CREW SUPERVISOR.—The term "crew supervisor" means the adult staff individual who is responsible for supervising a crew of participants, including the crew leader.

(4) INDIAN LANDS.—The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for Indian tribes, and any real property held by Indian tribes that is subject to restrictions on alienation imposed by the United States.

(5) INDIAN TRIBE.—The term "Indian tribe" means an Indian tribe, band, nation, or other group that is recognized as an Indian tribe by the Secretary of the Interior. Such term also includes a Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(6) PARTICIPANT.—The term "participant" means an individual enrolled in a program funded under this title.

(7) PLACEMENT.—The term "placement" means the matching of a participant or crew with a specific project.

(8) PROGRAM.—The term "program" means an activity carried out under this title.

(9) PROGRAM AGENCY.—The term "program agency" means—

(A) a Federal or State agency designated to manage a program in a State; or

(B) the governing body of an Indian tribe.

(10) PROJECT.—The term "project" means an activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(11) PUBLIC LANDS.—The term "public lands" means any lands or waters (or interest therein) owned or administered by the United States or by an agency or instrumentality of a State or local government.

(12) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, or Palau.

(13) SUMMER PROGRAM.—The term "summer program" means a program authorized under this title that is limited to the months of June, July, and August.

(14) YOUTH SERVICE CORPS PROGRAM.—The term "youth service corps program" means a program, such as a conservation corps or human services corps, that offers full-time, productive work (to be financed through stipends) with visible community benefits in a natural resource or human service setting and gives participants a mix of work experience, basic and life skills, education, training, and support services.

SEC. 203. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Board is authorized, in accordance with the provisions of this title, to provide grants to State or local applicants to create or expand full-time or summer youth service corps programs.

(b) TERM OF GRANT.—The term of such grant shall be for a period not greater than three years.

(c) RENEWING GRANT.—The Board may renew such grant for an additional three year term.

SEC. 204. ALLOCATION OF FUNDS.

(a) COMPETITIVE GRANT.—The Board shall make a competitive grant to a State that has submitted applications under section 205.

(b) DIRECT GRANTS.—

(1) IN GENERAL.—If a State does not apply for assistance under this title, the Board may make a grant directly to local applicants in such State.

(2) EVALUATION.—The Board shall apply the criteria described in section 205 in evaluating such local applicants.

(c) LIMITATION.—

(1) CAPITAL EQUIPMENT.—Not more than 10 percent of the amount of funds made available to a State or program agency under this title for projects during each fiscal year may be used for the purchase of major capital equipment.

(2) ADMINISTRATIVE EXPENSES.—Not more than 15 percent of the amount of funds made available to a State or program agency under this title may be used for administrative expenses.

(3) SUMMER PROGRAMS.—Not more than 10 percent of the amount of funds made available to a State under this title may be used for summer Youth Service Corps programs.

SEC. 205. STATE APPLICATION.

(a) SUBMISSION OF APPLICATION.—In order to receive a grant under this title, a State shall submit an application to the Board at such time and in such manner as the Board may reasonably require.

(b) CONTENT OF APPLICATION FOR A STATE.—In such application, the State shall describe—

(1) any Youth Service Corps program proposed to be conducted directly by such State with funds provided under this title; and

(2) any grant program to entities within such State proposed to be conducted by such State with funds provided under this title.

(c) CONTENT OF APPLICATION FOR A STATE OR LOCAL APPLICANT.—In order to receive funds under this title to directly conduct a Youth Service Corps program pursuant to section 204 (a) or (b), each applicant shall include in the application for such funds—

(1) a comprehensive description of the objectives and performance goals for the program, a plan for managing and funding the program, and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided by such program;

(2) a plan for certification of the training skills acquired by participants and award of academic credit to participants for competencies developed from training programs or work experience obtained under this title;

(3) an estimate of the number of participants and crew leaders necessary for the proposed projects, the length of time that the services of such participants and crew leaders will be required, and the support services that will be required for such personnel;

(4) a list of requirements to be imposed on a sponsoring organization of an individual serving in a program or project under this title, including a requirement that a sponsoring organization that invests in a project under this title by making a cash contribution or by providing free training of an individual participating in such project shall be given preference over a sponsoring organization that does not make such an investment;

(5) a description of the manner of appointment of sufficient supervisory staff (including participants who have displayed exceptional leadership qualities) by the chief administrator, who shall in turn provide for other central elements of a youth corps, such as crew structure and a youth development component;

(6) a description of a plan to ensure the on-site presence of knowledgeable and competent supervision at program facilities;

(7) a description of the facilities, quarters, and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities

to work sites, and other appropriate services, supplies, and equipment that will be provided by the applicant;

(8) a description of basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner that such standards shall be enforced;

(9) a description of the plan to assign participants to facilities as near to the homes of such participants as is reasonable and practicable;

(10) the assurance that the program agency will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program; and

(11) such other information as the Board may prescribe.

(d) SUMMER YOUTH SERVICE CORPS.—Each State desiring to receive funds under this title to conduct a grant program pursuant to section 203 shall describe in its application how—

(1) local applicants will be evaluated;

(2) service programs in the State will be coordinated;

(3) economically and educationally disadvantaged youth will be recruited;

(4) programs will be evaluated;

(5) the State will encourage cooperation among programs and the appropriate State job training coordinating council established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.);

(6) the State will certify the training skills acquired by participants and the credit to participants for competencies developed from training programs or work experience obtained under this title; and

(7) the State will consult with any local labor organizations representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

SEC. 206. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs funded under this title may carry out projects that—

(1) in the case of conservation corps programs, focus on—

(A) conservation, rehabilitation, and improvement of wildlife habitat, rangelands, parks, and recreational areas;

(B) urban revitalization, and historical and cultural site preservation;

(C) fish culture, habitat maintenance and improvement, and other fishery assistance;

(D) road and trail maintenance and improvement;

(E) erosion, flood, drought, and storm damage assistance and controls,

(F) stream, lake, waterfront harbor, and port improvement, and

(G) wetlands protection and pollution control;

(H) insect, disease, rodent, and fire prevention and control;

(I) the improvement of abandoned railroad beds and right-of-ways;

(J) energy conservation projects, renewable resource enhancement, and recovery of biomass;

(K) reclamation and improvement of strip-mined land; and

(L) forestry, nursery, and cultural operations; or

(2) in the case of human services corps programs, include service in—

(A) State, local, and regional governmental agencies;

(B) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, day care centers, and schools;

(C) law enforcement agencies, and penal and probation systems;

(D) private nonprofit organizations that primarily focus on social service;

(E) activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged persons, weatherization of and basic repairs to low-income housing, energy conservation (including solar energy techniques), removal of architectural barriers to access by handicapped individuals to public facilities, and conservation, maintenance, or restoration of natural resources on publicly held lands; and

(F) any other nonpartisan civic activities and services that the Board determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs (particularly needs related to poverty) or in the community where volunteer service is to be performed.

(b) INELIGIBLE SERVICE CATEGORIES.—In order to be eligible to receive assistance under this title, the service projects referred to in subsection (a) shall not be conducted by any—

(1) business organized for profit;

(2) labor union;

(3) partisan political organization;

(4) organization engaged in religious activities, unless such project does not involve any religious functions; or

(5) domestic or personal service company or organization.

SEC. 207. RELATED PROGRAMS.

An activity administered under the authority of the Secretary of Health and Human Services, that is operated for the same purpose as a program eligible to be carried out under this title, is encouraged to use services available under this title.

SEC. 208. PUBLIC LANDS OR INDIAN LANDS.

(a) LIMITATION.—The Board shall only fund programs that involve projects on public lands or Indian lands or provide a public benefit.

(b) REVIEW OF APPLICATIONS.—The Board shall consult with the Department of the Interior in reviewing applications proposing programs or projects on public lands or Indian lands.

(c) CONSISTENCY.—A project carried out under this title for conservation, rehabilitation, or improvement of any public lands or Indian lands shall be consistent with—

(1) the provisions of law and policies relating to the management and administration of such lands, and all other applicable provisions of law; and

(2) all management, operational, and other plans and documents that govern the administration of such lands.

SEC. 209. TRAINING AND EDUCATION SERVICES.

(a) ASSESSMENT OF SKILLS.—Each program agency shall assess the educational level of participants at the time of entrance into the program, using any available records or simplified assessment means or methodology.

(b) ENHANCEMENT OF SKILLS.—Each program agency shall, through programs and projects administered under this title, enhance the educational skills of participants in the program.

(c) PROVISION OF IN-SERVICE TRAINING AND EDUCATION.—

(1) REQUIREMENT.—A program agency shall use not less than 10 percent of the funds made available to such agency to provide in-service training and educational materials and services for participants and individuals serving in such projects.

(2) AGREEMENTS FOR ACADEMIC STUDY.—A program agency that is receiving assistance under this Act may enter into arrangements with academic institutions or education providers, including—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area vocational-technical schools; and

(E) community based organizations;

for academic study by a participant or individual serving in youth service projects during nonworking hours in order for such participant or individual to upgrade literacy skills, to obtain a high school diploma or the equivalent of such diploma, a college degree, or to enhance employable skills.

(3) CAREER COUNSELING.—Career counseling shall be provided to a participant or an individual serving in youth service projects during a period of in-service training as described in this subsection.

(4) PRIORITY FOR PARTICIPANTS WITHOUT HIGH SCHOOL DIPLOMAS.—A participant or an individual serving in a youth service project who has not obtained a high school diploma or the equivalent of such diploma shall have priority to receive services under this subsection.

(d) POST-SERVICE EDUCATION AND TRAINING ASSISTANCE.—

(1) USE OF FUNDS.—A program or project receiving funds under this title shall use not less than 10 percent of such funds to provide the services described in subsection (c)(1) for post-service education and training assistance.

(2) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible individual under this subsection shall be based on the period of time that such individual has served in a program or project under this title.

(3) ACTIVITIES.—The activities conducted under this section may include activities available to eligible participants under in-service education and training assistance programs, career and vocational counseling, assistance in entering a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and assistance for other activities considered appropriate for the participant by the program agency and the Board.

(d) STANDARDS AND PROCEDURES.—

(1) CONSISTENCY WITH STATE AND LOCAL REQUIREMENTS.—Appropriate State and local officials shall certify that standards and procedures with respect to the awarding of academic credit and the certification of educational attainment in programs conducted under subsection (c) are consistent with the requirements of applicable State and local law and regulations.

(2) ACADEMIC STANDARDS.—Such standards and procedures shall specify that an individual serving in a program or project under this title—

(A) who is not a high school graduate, shall participate in an educational curriculum so that such individual can earn a high school diploma or the equivalent of such diploma; and

(B) may arrange to receive academic credit in recognition of learning and skills obtained from service satisfactorily completed.

SEC. 210. AMOUNT OF AWARD.

In determining the amount of funds to be awarded to an applicant under this title, the Board shall consider—

(1) the proportion of the unemployed youth population of the area to be served; and

(2) the type of project or service proposed to be carried out with funds appropriated under this title.

SEC. 211. MATCHING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of programs assisted under this title shall not exceed 75 percent.

(b) STATE OR LOCAL APPLICANT.—The State or local applicant share of the costs of programs assisted under this title shall be at least 25 percent.

SEC. 212. PREFERENCE FOR CERTAIN PROJECTS.

In the approval of applications for programs and projects submitted under section 205, the Board shall give preference to programs and projects that—

(1) will provide long-term benefits to the public;

(2) will instill a work ethic and a sense of public service in the participants;

(3) will be labor intensive, and involve youth operating in crews;

(4) can be planned and initiated promptly; and

(5) will enhance skills development and educational level and opportunities for the participants.

SEC. 213. EFFECT OF EARNINGS ON ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.

Earnings and allowances received under this title by an economically disadvantaged youth, as defined in section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)), shall be disregarded in determining the eligibility of the family of the youth for, and the amount of, any benefits based on need under any program established under this title.

SEC. 214. AGE AND EDUCATION CRITERIA ENROLLMENT.

Enrollment in programs funded under this title shall be limited to individuals who, at the time of enrollment, are—

(1) not less than 16 years or more than 25 years of age, except that summer programs may include individuals not less than 15 years and not more than 21 years of age at the time of the enrollment of such individuals; and

(2) citizens or nationals of the United States (including those citizens of the Northern Mariana Islands as defined in section 24(b) of the Act entitled "An Act to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes.", approved December 8, 1983 (Public Law 98-213; 48 U.S.C. 1681 note) or lawful permanent resident aliens of the United States.

SEC. 215. POST-SERVICE BENEFITS.

(a) IN GENERAL.—The program agency shall provide post-service education and training benefits (such as scholarships and grants) for each participant in an amount not less than $50 per week nor more than $100 per week.

(b) EXCLUSION FROM GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, in the case of an individual, gross income shall not include any amount received as assistance under this section.

(c) FACILITIES, SERVICES, AND SUPPLIES.—

(1) IN GENERAL.—The program agency may deduct, from amounts determined under section 216, a reasonable portion of the costs of the rates for room and board provided at residential facilities.

(2) EVALUATION.—The program agency shall establish the deductions and rates under paragraph (1) after evaluating of costs of providing such room and board.

(3) PROGRAM AGENCY.—A program agency may provide facilities, quarters, and board and shall provide limited and emergency medical care, health insurance, transportation from administrative facilities to work sites, and other appropriate services, supplies, and equipment.

(d) GUIDANCE AND PLACEMENT.—

(1) IN GENERAL.—Each program agency shall provide such job guidance and placement information and assistance for participants as may be necessary.

(2) COORDINATION WITH OTHER ENTITITES.—Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

SEC. 216. LIVING ALLOWANCE.

(a) IN GENERAL.—Each participant in a full-time youth service corps program shall receive a living allowance of not less than 100 percent of the poverty line for a single individual (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) and not more than 100 percent of the amount such participant would have earned if such participant had been paid at a rate equal to the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) during the period of service of such participant.

(b) HEALTH INSURANCE.—In addition to the living allowance provided under subsection (a), each participant in a full-time youth service corps program shall be provided with health insurance.

SEC. 217. JOINT PROJECTS INVOLVING THE DEPARTMENT OF LABOR.

(a) DEVELOPMENT.—The Board may develop, in cooperation with the Secretary of Labor, regulations designed to allow, where appropriate, joint projects in which activities supported by funds authorized under this title are coordinated with activities supported by funds authorized under employment and training statutes administered by the Department of Labor (including the Job Training Partnership Act (29 U.S.C. 1501 et seq.)).

(b) STANDARDS.—Regulations promulgated under paragraph (1) shall provide standards for approval of joint projects that meet both the purposes of this title and the purposes of such employment and training statutes under which funds are available to support such projects.

SEC. 218. FEDERAL AND STATE EMPLOYEE STATUS.

(a) IN GENERAL.—Participants, crew leaders, and volunteers are considered as being responsible to, or the responsibility of, the program agency administering the project on which such participants, crew leaders, and volunteers work.

(b) NON-FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise specifically provided in this subsection, a participant or crew leader in a project that receives assistance under this title shall not be considered a Federal employee and shall not be subject to the provisions of law relating to Federal employment.

(2) WORK-RELATED INJURY.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, a participant or crew leader serving American Conservation and Youth Service Corps program agencies shall be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provision of that subchapter shall apply, except—

(A) the term "performance of duty", as used in such subchapter, shall not include an act of a participant or crew leader while absent from the assigned post of duty of such participant or crew leader, except while participating in an activity authorized by or under the direction and supervision of a program agency (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date that the employment of the injured participant or crew leader is terminated.

(2) TORT CLAIMS PROCEDURE.—For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, a participant or crew leader assigned to a Youth Service Corps project shall be considered an employee of the United States within the meaning of the term "employee of the government" as defined in section 2671 of such title.

(3) ALLOWANCE FOR QUARTERS.—For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, a participant or crew leader shall be considered an employee of the United States within the meaning of the term "employee" as defined in paragraph (3) of subsection (a) of that section.

SEC. 219. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to carry out this title $100,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995.

TITLE III—NATIONAL SERVICE DEMONSTRATION PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "National and Community Service Demonstration Act".

SEC. 302. DEFINITIONS.

As used in this title—

(1) BOARD.—The term "Board" means the National Service Board authorized under title IV.

(2) ELIGIBLE ORGANIZATION.—The term "eligible organization" means a public or private nonprofit organization engaged in meeting human, educational, environmental, or public safety needs.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965.

(4) PARTICIPANT.—The term "participant" means an individual participating in a program under this title.

(5) PLACEMENT.—The term "placement" means the matching of a participant or team with a specific project.

(6) PROGRAM.—The term "program" means an activity carried out under this title.

(7) PROJECT.—The term "project" means an activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(8) SPECIAL SENIOR SERVICE MEMBER.—The term "special senior service member" means an individual who is age 60 or over and willing to work full-time or part-time in conjunction with a full-time national service program.

(9) SPONSORING ORGANIZATION.—The term "sponsoring organization" means an organization, eligible to receive assistance under this title, that has been selected by a State to provide a placement for a participant.

(10) STATE.—The term "State" means a State, the Commonwealth of Puerto Rico,

Guam, the District of Columbia, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau.

SEC. 303. GRANTS.

(a) IN GENERAL.—Not later than 1 year from the date of enactment of this title, the Board shall, in accordance with the provisions of this title, make grants to States to create full-time and part-time national service demonstration programs.

(b) TERM OF GRANT.—The term of such grant shall not exceed the term of the authorization of this title.

(c) CRITERIA FOR RECEIVING APPLICATIONS.—In awarding such grant to a State, the Board shall consider—

(1) the ability of the proposed program to serve as a model for a large-scale national service program;

(2) the quality of the application of such State, including the plan of such State for training, recruitment, placement, and data collection;

(3) the extent that the proposed program builds on existing programs; and

(4) the expediency with which the State proposes to make the program operational.

(d) DIVERSITY.—The Board shall ensure that programs receiving such a grant are diverse geographically and include programs in both urban and rural States.

(e) ALTERNATIVE VOUCHER OPTION LIMITED.—The Board shall ensure that no more than 25 percent of States are authorized to exercise the alternative voucher authorized under section 307(d)(3).

(f) COMPOSITION OF PROGRAMS.—The Board shall ensure that at least 25 percent of funded programs include full-time, part-time and special senior service participants.

(g) NUMBER OF STATES.—

(1) IN GENERAL.—The Board shall ensure that—

(A) no more than five States are authorized to operate full-time programs and no more than 5 States are authorized to operate part-time programs in fiscal year 1991;

(B) no more than eight States are authorized to operate full-time programs and no more than eight States are authorized to operate part-time programs in fiscal year 1992;

(C) no more than 10 States are authorized to operate full-time programs and no more than 10 States are authorized to operate part-time programs in fiscal year 1993; and

(D) no less than 12 States are authorized to operate full-time programs and no more than 35 States are authorized to operate part-time programs in fiscal years 1994 and 1995.

(2) SINGLE PROGRAM.—For purposes of this subsection, a State operating a single national service program with both full-time and part-time options shall be counted as a State operating a full-time program and a State operating a part-time program.

(3) COOPERATIVE ARRANGEMENT.—For purposes of this subsection, a State operating a national service program involving a cooperative arrangement with a multi-State organization or with sites in more than one State shall be counted as a single State.

(h) STATE APPLICATION FOR GRANT.—In order to receive a grant under this title, a State shall submit an application to the Board at such time and in such manner as the Board may reasonably require. Each such application shall describe—

(1) the State administrative plan for the program;

(2) the method that participants, including economically and educationally disadvantaged youth and employed individuals, shall be recruited and selected for a program receiving assistance under this title;

(3) procedures for training, supervising, and organizing participants in such program;

(4) the plan for placing such participants in teams or making individual placements in such program;

(5) assurances that, before such placement is made, such State will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program;

(6) assurances that before such placement is made, such State will consult with employees at the proposed project site who are engaged in the same or similar work as that proposed to be carried out by such program;

(7) the anticipated number of full-time and part-time participants and special senior service members;

(8) a plan for recruiting and selecting sponsoring organizations that will receive participants under this title will be placed;

(9) procedures for matching such participants with such sponsoring organizations;

(10) the State budget for the program;

(11) whether the State intends to exercise the voucher alternative option authorized under section 307(d)(3).

(12) a plan for evaluating the program and assurances undertaken by the State will cooperate fully with any evaluation undertaken by the Board pursuant to section 414; and

(13) other such information as the Board may reasonably require.

SEC. 304. TYPES OF NATIONAL SERVICE.

(a) IN GENERAL.—A participant in a program funded under this title shall perform national service to meet unmet educational, human, environmental, and public safety needs, especially those relating to poverty.

(b) TYPES OF NATIONAL SERVICE.—Such national service may include the following types of service—

(1) educational service, such as literacy programs, Head Start, (as established under 42 U.S.C. 9831) and other early childhood education programs, tutorial assistance, and service in schools, libraries, and adult education centers;

(2) human service, such as—

(A) service in hospitals, hospices, clinics, community health centers, public health organizations, facilities serving individuals with acquired immune deficiency syndrome, homes for elderly individuals, and child-care centers; and

(B) service in programs to assist elderly, poor, and homeless individuals, including programs to build, restore, and maintain housing for poor or homeless individuals and self-help programs;

(3) environmental service, such as service in programs to conserve, maintain, and restore natural resources in the urban and rural environment, to provide recreational opportunities, and to encourage community betterment or beautification;

(4) public safety service in support of the criminal justice system, including police, fire departments, courts, and prisons; and

(5) in the case of special senior service members, service to assist a State in administering a program, including mentoring, supervision, and other functions.

SEC. 305. TERMS OF SERVICE.

(a) LENGTH OF SERVICE.—

(1) PART-TIME.—An individual volunteering for part-time national service under this Act shall agree to perform community service for at least three years but not more than six years, at the discretion of such individual.

(2) FULL-TIME.—An individual volunteering for full-time national service shall agree to perform community service for at least one year but not more than two years, at the discretion of such individual.

(3) SPECIAL SENIOR SERVICE.—A special senior service participant performing national service shall serve for a period of time as allowed by the Board.

(b) PARTIAL COMPLETION OF SERVICE.—If the State releases a participant from completing a term of service in the program for compelling personal circumstances shown by such participant, the Board may provide such participant with a portion of the financial assistance specified in section 307 corresponding to the quantity of the service obligation completed by such individual.

(c) TERMS OF SERVICE.—

(1) PART-TIME.—A participant performing part-time national service shall serve for—

(A) 2 weekends a month and 2 weeks during the year; or

(B) an average of 9 hours per week.

(2) FULL-TIME.—A participant performing full-time national service shall serve for not less than 40 hours per week.

(3) SPECIAL SENIOR SERVICE.—A special senior service participant performing national service shall serve either part-time or full-time as allowed by the Board.

SEC. 306. ELIGIBILITY.

(a)(1) PART-TIME.—An individual may serve in a part-time national service program if such individual—

(A) is age 17 or over;

(B) is a citizen of the United States or lawfully admitted for permanent residence.

(2) PRIORITY.—In selecting applicants for a part-time program, States shall give priority to applicants who are currently employed.

(b) FULL-TIME.—An individual may serve in a full-time national service program if such individual—

(1) is age 17 or over;

(2) has received a high school diploma or the equivalent of such diploma, or agrees to work toward a high school diploma or the equivalency of such diploma while participating in the program; and

(3) is a citizen of the United States or lawfully admitted for permanent residence.

(c) SPECIAL SENIOR SERVICE.—An individual may serve as a special senior service member if such individual—

(1) is age 60 or over; and

(2) meets the eligibility criteria for special senior service membership established by the Board.

SEC. 307. VOUCHERS.

(a) PART-TIME.—The Board shall annually provide to each participant a non-transferrable voucher that is equal in value to $3,000 for each year of service that such participant provides to the program.

(b) FULL-TIME.—The Board shall annually provide to each participant a non-transferrable voucher that is equal in value to $8,500 for each year of service that such participant provides to the program.

(c) SENIOR PARTICIPANT.—A special senior service participant shall be ineligible to receive a voucher under this section.

(d) USE OF VOUCHER.—

(1) PART-TIME.—A voucher issued pursuant to subsection (a) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs for a first home; or

(C) tuition at an institution of higher education on a full-time basis, or the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(2) FULL-TIME.—A voucher issued pursuant to subsection (b) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs for a first home; or

(C) tuition, room and board, books and fees, and other costs associated with attendance at an institution of higher education on a full-time basis, or the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(3) ALTERNATIVE VOUCHER OPTION.—A State administering a full-time national service program may apply to the Board for authorization to offer an alternative voucher option limiting the use of vouchers to either education as permitted under paragraphs (d) (1) and (3) or housing as permitted under paragraph (d)(2).

(e) EXCLUSION FROM GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, any compensation received under this section by a participant shall not be considered gross income.

SEC. 308. LIVING ALLOWANCE.

(a) IN GENERAL.—Each participant in a full-time national service program shall receive a living allowance of not less than 100 percent of the poverty line for a single individual (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) and not more than 100 percent of the amount such participant would have earned if such participant had been paid at a rate equal to the minimum wage for a 40-hour workweek under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) during the period of service of such participant.

(b) HEALTH INSURANCE.—In addition to the living allowance provided under subsection (a), each participant in a full-time national service program shall be provided with health insurance.

(c) SPECIAL SENIOR SERVICE PARTICIPANT.—Each full-time special senior service participant shall receive a living allowance equal to that for full-time participants under subsection (a) and such other assistance as the Board considers necessary and appropriate for a senior participant to carry out the service obligation of such participant.

SEC. 309. TRAINING.

(a) PROGRAM TRAINING.—

(1) IN GENERAL.—Each participant shall receive three weeks of training conducted by the Board in cooperation with the State.

(2) CONTENTS OF TRAINING SESSION.—Each training session described in paragraph (1) shall—

(A) orient each participant to the nature, philosophy, and purpose of the program;

(B) build an ethic community service; and

(C) train each participant to effectively perform the assigned program task of such participant by providing—

(i) general training in citizenship and civic and community service; and

(ii) if feasible, specialized training for the type of national service that each participant will perform.

(b) ADDITIONAL TRAINING.—Each State may provide additional training for participants.

(c) AGENCY OR ORGANIZATION TRAINING.—In addition to the training described in subsections (a) and (b), each participant shall receive training from the sponsoring organization in skills relevant to the work to be conducted.

SEC. 310. USE OF FUNDS.

(a) PROHIBITED USES.—No Federal funds shall be expended for training provided pursuant to section 309(b), State administration, materials, State recruitment, supervision of participants, inservice education benefits provided pursuant to section 311, grievance procedures and arbitration required under subsection 410(e), or expenses of the State advisory committee.

(b) ALLOWABLE USES.—Federal funds shall be expended for training provided pursuant to section 309(a), vouchers provided pursuant to section 307, living allowances and health insurance provided pursuant to section 308, Federal administrative costs, and the costs of evaluations conducted pursuant to section 414.

SEC. 311. IN-SERVICE EDUCATION BENEFITS.

Each State that receives funds under this title shall provide to each participant enrolled in a full-time program funded under this title in-service educational services and materials to enable such participant to obtain a high school diploma or the equivalent of such diploma.

SEC. 312. NATIONAL SERVICE DEMONSTRATION PROGRAM AMENDMENTS.

(a) TREATMENT OF EDUCATION AND/OR HOUSING VOUCHER.—For purposes of determining eligibility for programs under title IV of the Higher Education Act of 1965 (hereafter in this section referred to as the "Act"), vouchers received under this Act shall be considered as estimated financial assistance as defined in section 428(a)(2)(C)(i) of title IV of the Act, except that in no case shall such a voucher be considered as—

(1) annual adjusted family income as defined in section 411F(1) of subpart 1 of part A of title IV of the Act; or

(2) total income as defined in section 480(a) of part F of title IV of the Act.

(b) TREATMENT OF STIPEND FOR LIVING EXPENSES.—In no case shall stipends received under this Act be considered in the determination of expected family contribution or independent student status under—

(1) subpart 1 of part A of title IV of the Act; or

(2) part F of title IV of the Act.

(c) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 411F(9) by adding a new subsection at the end thereof:

"(F) Annual adjusted family income does not include any stipend received by a participant in the National Service Demonstration Program established under the National and Community Service Act of 1989.";

(2) in section 411F(12)(B)(vi) by striking "(including all sources of resources other than parents)" and inserting "(including all sources of resources other than parents and stipends received as a result of participation in the National Service Demonstration Program established under the National and Community Service Act of 1989.";

(3) in section 480(f) by—

(A) striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "and"; and

(C) adding at the end thereof the following new paragraph:

"(3) any stipend received by a participant in the National Service Demonstration Program established under the National and Community Service Act of 1989."; and

(4) in section 480(d)(1)(F) by striking "(including all sources of resources other than parents and stipends received as a result of participation in the National Service Demonstration Program established under the National and Community Service Act of 1989)".

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of carrying out the provisions of this title $100,000,000 in fiscal year 1991, $125,000,000 in fiscal year 1992, $150,000,000 in fiscal year 1993, $300,000,000 in fiscal year 1994, and $300,000,000 in fiscal year 1995.

TITLE IV—CORPORATION FOR NATIONAL SERVICE

SEC. 401. DEFINITIONS.

As used in this title:

(1) BOARD.—The term "Board" means the Board of Directors for the Corporation for National Service.

(2) CORPORATION.—The term "Corporation" means the Board of Directors for the Corporation for National Service, as established by section 402(a).

(3) ELECTION.—The term "election" has the same meaning, when referring to an election for Federal office, as given such term by section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1)).

(4) FEDERAL OFFICE.—The term "Federal office" has the same meaning as given that term by section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

SEC. 402. ESTABLISHMENT OF CORPORATION; APPLICATION OF DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT.

(a) ESTABLISHMENT.—There is established a nonprofit corporation, to be known as the "Corporation for National Service", that shall not be considered an agency or establishment of the United States Government.

(b) APPLICATION OF DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT.—The Corporation shall be subject to this Act, and to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act.

SEC. 403. BOARD OF DIRECTORS.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Corporation shall be directed by a National Service Board consisting of 11 members appointed by the President, by and with the advice and consent of the Senate.

(2) TIME PERIOD FOR APPOINTMENTS.—The President shall appointment members of the Board not later than 90 days after the date of enactment of this title.

(3) POLITICAL AFFILIATION.—Not more than six members of the Board shall be members of the same political party.

(4) NOMINATIONS.—Three of the members shall be appointed from individuals nominated by the Speaker of the House of Representatives, and three of the members shall be appointed from individuals nominated by the majority leader of the Senate.

(b) QUALIFICATIONS.—The President shall select the members of the Board—

(1) from among citizens who are eminent in such fields as community service, youth service, education, civic affairs, business, labor, or military service; and

(2) so as to provide as nearly as practicable a broad representation of various regions of the United States, various professions and occupations, and a variety of talent and experience appropriate for the performance of the functions and responsibilities of the Corporation.

(c) INCORPORATION.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever actions are necessary to incorporate the Corporation under the District of Columbia Nonprofit Corporation Act.

(d) TERM OF OFFICE.—The term of office of each member of the Board shall be 7 years, except that—

(1) any member appointed to fill a vacancy within the Board 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;

(2) initial appointments to the Board shall be for terms of 3, 5, or 7 years; and

(3) no member of the Board shall be eligible to serve more than 2 consecutive terms.

(e) VACANCY.—A vacancy in the Board shall not affect the power of the Board and shall be filled in the same manner as the original appointment.

(f) MEETINGS.—

(1) REQUIREMENT.—A member of the Board shall attend not less than 50 percent of all duly convened meetings of the Board in any calendar year.

(2) PENALTY.—

(A) IN GENERAL.—A member who fails to meet the requirement of paragraph (1) shall forfeit membership on the Board.

(B) APPOINTMENT OF NEW MEMBER.—President shall appoint a new member to fill such vacancy created under subparagraph (A) (while meeting the requirements of subsection (e)), not later than 30 days after such vacancy is determined by the Chairperson of the Board, as elected in subsection (g).

(3) QUORUM.—Six members of the Board shall constitute a quorum.

(g) ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.—Members of the Board shall annually elect one such member to be Chairperson and elect one or more of such members as a Vice Chairperson.

(h) COMPENSATION OF BOARD MEMBERS.—

(1) NON-FEDERAL EMPLOYEE.—A member of the Board shall not, by reason of such membership, be considered to be an officer or employee of the United States.

(2) COMPENSATION.—Except as provided in paragraphs (3) and (4), a member of the Board shall—

(A) while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board, be entitled to receive compensation at the rate of $150 per day, including travel time; and

(B) while away from the home or regular place of business of such member, be allowed travel and actual, reasonable, and necessary expenses.

(3) LIMITATION.—No member of the Board shall receive compensation under paragraph (2) of more than $10,000 in any fiscal year.

(4) FEDERAL EMPLOYEE.—A member of the Board who is a full-time officer or employee of the United States shall receive no additional pay, allowances, or benefits by reason of such membership.

SEC. 404. OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—

(1) RATE OF BASIC PAY.—The Corporation shall have a President, and such other officers and employees as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board, except that no officer or employee of the Corporation may receive compensation at an annual rate of pay that exceeds the rate of basic pay payable from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(2) ADDITIONAL COMPENSATION.—No officer or employee of the Corporation shall receive any salary or other compensation from any source other than the Corporation for services performed for the Corporation.

(3) TERM OF OFFICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(b) EMPLOYMENT OF SPECIAL SENIOR SERVICE MEMBERS.—In selecting employees, the Board is encouraged to include members of the Special Senior Service authorized under title III.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without payment of reimbursement to the detailing agency. A detail of a Federal employee under this subsection shall not result in the interruption or loss of civil service status or privilege of such employee.

SEC. 405. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) LIMITATIONS ON POWERS.—

(1) ISSUANCE OF STOCK.—The Corporation shall not issue any shares of stock or declare or pay any dividends.

(2) INCOME OR ASSETS OF THE CORPORATION.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services on behalf of the Corporation.

(b) NONPOLITICAL NATURE OF CORPORATION.—The Corporation shall not contribute to or otherwise support any political party or candidate for elective public office.

SEC. 406. HOUSING AND EDUCATION VOUCHERS; LIVING ALLOWANCES.

(a) HOUSING AND EDUCATION VOUCHERS.—The Corporation shall issue housing and education vouchers pursuant to title III. The Board shall consult with the Department of Education in issuing education vouchers.

(b) LIVING ALLOWANCES.—The Corporation shall establish living allowances pursuant to title III, taking into account variations on the cost of living.

SEC. 407. REPORTS.

(a) STATE REPORTS.—

(1) IN GENERAL.—Each State receiving funds under titles IA, II, and III of this Act shall submit an annual report to the Board on the status of national and community youth service programs in such State.

(2) LOCAL GRANTEES.—Each State may require local grantees receiving funds under titles IA, II, and III of this Act to supply such information as is necessary to complete such report, including a comparison of actual accomplishments with the goals established for the program, the number of participants in the program, the number of service hours generated, and problems, delays or adverse conditions that have affected or will affect the attainment of program goals.

(3) REPORT DEMONSTRATING COMPLIANCE.—

(A) IN GENERAL.—Each State receiving funds pursuant to this title shall include in the annual report required under subsection (a), information that demonstrates compliance with the provisions of section 412.

(B) LOCAL GRANTEES.—Each state may require local grantees to supply such information as is necessary to comply with paragraph (1).

(4) AVAILABILITY OF REPORT.—Such report shall be available to the public on request.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Board shall, not later than 120 days after the end of each fiscal year, prepare and submit to the appropriate authorizing and appropriation committees in Congress a report on programs funded under titles IA, II, and III.

(2) CONTENT.—Such report shall summarize information contained in State reports required under subsection (a) and reflect the findings and actions taken as a result of any evaluation conducted by the Board.

SEC. 408. SUPPLEMENTATION.

(a) IN GENERAL.—All Federal funds and funds used to pay the remainder of the costs of programs assisted under titles IA, II, and III shall be used to supplement the level of State and local public funds expended for services assisted under this title in the previous fiscal year.

(b) AGGREGATE EXPENDITURE.—Subsection (a) shall be satisfied, with respect to a particular program, if the aggregate expenditure in such program for the fiscal year in which services are to be provided will not be less than the aggregate expenditure in such program in the previous fiscal year, excluding Federal funds and funds used to pay the remainder of the costs of programs assisted under this title.

SEC. 409. PROHIBITION ON USE OF FUNDS.

(a) IN GENERAL.—Funds provided under titles IA, II, and III shall not be used by program participants and program staff to—

(1) give religious instruction, conduct worship services, or engage in any form of proselytization;

(2) assist, promote, or deter union organizing; and

(3) finance, directly or indirectly, any activity designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

(b) CONTRACTS OR COLLECTIVE BARGAINING AGREEMENTS.—A project assisted under this title shall not impair existing contracts for services or collective bargaining agreements.

SEC. 410. NONDISCRIMINATION.

(a) IN GENERAL.—Any financial assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101), and the regulations issued thereunder.

(b) NONDISCRIMINATION.—An individual with responsibility for the operation of a program funded under this titles IA, II, or III shall not discriminate in the selection of participants to such program because of race, religion, color, national origin, sex, age, handicap, or political affiliation.

(c) RULES AND REGULATIONS.—

(1) EDUCATION.—In the case of programs funded under title I, the Secretary of Education shall issue rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for no more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

(2) VOLUNTEER SERVICE.—In the case of programs funded under title II and title III of this Act, the Board shall issue rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

SEC. 411. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) IN GENERAL.—

(1) SUSPENSION OF PAYMENTS.—The Secretary of Education (in the case of a program funded under title I) or the Board (in the case of a program funded under title II or III), is authorized, in accordance with the provisions of this Act, to suspend payments or to terminate payments under a contract or grant providing assistance under this Act whenever the Secretary determines there is a material failure to comply with this Act or the applicable terms and conditions of any such grant or contract issued pursuant to this Act.

(2) PROCEDURES TO ENSURE ASSISTANCE.—The Secretary of Education (in the case of a program funded under title I) or the Board (in the case of a program funded under title II or III) shall prescribe procedures to ensure that—

(A) assistance under this Act shall not be suspended for failure to comply with the applicable terms and conditions of this Act, except in emergency situations for 30 days; and

(B) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions of this Act unless the recipient of such assistance has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) HEARINGS.—Hearings or other meetings that may be necessary to fulfill the requirements of this section shall be held at locations convenient to such recipient.

(c) TRANSCRIPT OR RECORDING.—A transcript or recording shall be made of a hearing conducted under this section and shall be available for inspection by any individual.

(d) STATE LEGISLATION.—Nothing in this Act shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this Act, of the programs administered under this Act.

(e) GRIEVANCE PROCEDURE—

(1) IN GENERAL.—State and local applicants funded under titles IA, II, and III of this Act shall establish and maintain a procedure for grievances from participants, labor organizations, and other interested individuals concerning projects funded under this Act, including grievances regarding proposed placements of such participants.

(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made within one year after the date of the alleged occurrence.

(3) DEADLINE FOR HEARING AND DECISION.—A hearing on any grievance shall be conducted within 30 days of filing such grievance and a decision shall be made not later than 60 days after the filing of such grievance.

(4) ARBITRATION.—

(A) IN GENERAL.—On the occurrence of an adverse grievance decision, or 60 days after the filing of such grievance if no decision has been reached, the party filing the grievance shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held within 45 days after the request for such arbitration.

(C) DEADLINE FOR DECISION.—A decision on such grievance shall be made within 30 days after the date of such arbitration proceeding.

(D) COST.—The cost of such arbitration proceeding shall be divided evenly between the parties.

(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a program assisted under this Act, such placement shall not be made unless such grievance is resolved pursuant to this subsection.

(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

(A) suspension of payments for assistance under this Act;

(B) termination of such payments; and

(C) prohibition of such placement described in paragraph (5).

SEC. 412. NONDUPLICATION AND NONDISPLACEMENT.

(a) NONDUPLICATION.—

(1) IN GENERAL.—Funds provided under this Act shall be used only for an activity that does not duplicate, and is in addition to, programs and activities otherwise available in the locality.

(2) PRIVATE NONPROFIT ENTITY.—Funds available under this Act shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency that such entity resides in, unless the requirements of subsection _____ are met.

(b) NONDISPLACEMENT.—

(1) IN GENERAL.—An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program established under this Act.

(2) SERVICE OPPORTUNITIES.—A service opportunity shall not be created under this Act that will infringe in any manner upon the promotional opportunity of an employed individual.

(3) LIMITATION ON SERVICES.—

(A) DUPLICATION OF SERVICES.—A participant in a program under this Act shall not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

(B) SUPPLANTATION OF HIRING.—A participant in any program under this Act shall not perform any services or duties or engage in activities that will supplant the hiring of employed workers.

(C) DUTIES FORMERLY PERFORMED BY ANOTHER EMPLOYEE.—A participant shall not perform services or duties that have been performed by or were assigned to any—

(i) presently employed worker;

(ii) employee who recently resigned or was discharged;

(iii) employee who is subject to a reduction in force;

(iv) employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) employee who is on strike or who is being locked out.

SEC. 413. STATE ADVISORY BOARD.

(a) FORMATION OF BOARD.—Each State applying for funds under titles IA, II or III of this Act shall form a State Advisory Board for National and Community Service.

(b) APPOINTMENT OF MEMBERS.—The Governor of such State shall appoint members to such Advisory Board from among—

(1) representatives of State agencies administering community service, youth service, education, social service, and job training programs; and

(2) representatives of labor, business, agencies working with youth, community-based organizations such as community action agencies, students, teachers, Older American Volunteer Programs as established under the Domestic Volunteer Act of 1973 (42 U.S.C. 4950 et seq.), full-time youth service corps programs, school-based community service programs, higher education institutions, local educational agencies, volunteer public safety organizations, educational partnership programs, and other organizations working with volunteers.

(c) DUTIES OF BOARD.—The State Advisory Board for National and Community Service shall assist the State agency administering a program funded under title IA, II, or III in—

(1) coordinating service programs and related programs within the State;

(2) disseminating information about service programs funded under this Act;

(3) recruiting participants for programs funded under this Act; and

(4) developing programs, training methods, curriculum materials, and other materials and activities related to programs funded under this Act.

SEC. 414. EVALUATION.

(a) IN GENERAL.—The Board shall provide, through grants or contracts, for the continuing evaluation of programs assisted under titles II and III, including evaluations that measure and evaluate the impact of programs authorized by titles II and III, in order to determine—

(1) the effectiveness of such programs in achieving stated goals in general and in relation to cost;

(2) the impact of such programs on related programs; and

(3) the structure and mechanisms for delivery of services for such programs.

(b) COMPARISONS.—The Board shall include in such evaluations, where appropriate, comparisons of participants in such programs with individuals who have not participated in such programs.

(c) CONDUCTING EVALUATIONS.—Evaluations of such program shall be conducted by individuals who are not directly involved in the administration such program.

(d) PROGRAM OBJECTIVES.—The Board shall ensure that programs funded under title III are evaluated for effectiveness in—

(1) recruiting and enrolling of diverse participants in such programs, consistent with the requirements of section 306, based on economic background, race, ethnicity, age, martial status, education levels, and handicap;

(2) promoting of educational achievement of each participant in such programs, based on earning a high school diploma or the equivalent of such diploma and the future enrollment and completion of increasingly higher levels of education;

(3) encouraging of each participant to engage in public and community service after completion of the program based on career choices and service in other service programs such as the Volunteers in Service to America program established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), the Peace Corps, the military, and part-time volunteer service;

(4) promoting of positive attitudes among each participant regarding the role of such participant in solving community problems based on the view of such participant regarding the personal capacity of such participant to improve the lives of others, the responsibilities of such participant as a citizen and community member, and other factors;

(5) enabling each participant to finance a lesser portion of the higher education of such participant through student loans;

(6) providing services and projects that benefit the community;

(7) supplying additional volunteer assistance to community agencies, but not overloading such agencies with more volunteers than can effectively be utilized;

(8) providing services and activities that could not otherwise be performed by employed workers and that will not supplant the hiring of, or result in the displacement of, employed workers or impair the existing contracts of such workers; and

(9) attracting a greater number of citizens to public service, including service in the active and reserve components of the Armed Forces, the National Guard, and for the Peace Corps and VISTA.

(e) COMPARISON OF PROGRAM MODELS.—The Board shall evaluate and compare the effectiveness of different program models in meeting the program objectives under subsection (d) including full-time and part-time programs, programs involving different types of national service, programs using different recruitment methods, and programs utilizing individual placements and teams.

(f) OBTAINING INFORMATION.—

(1) IN GENERAL.—In performing the evaluation required under subsection (d), the Board may require each program participant to provide such information as may be necessary to carry out the requirements of this section.

(2) CONFIDENTIALITY.—The Board shall keep such information confidential.

(f) DEADLINE.—The Board shall complete the evaluation required under subsection (d) not later than 4 years after the date of enactment of this Act.

SEC. 415. FUNDING.

Of funds appropriated for title II and III of this Act, not less than $5 million or more than $25 million shall be made available to the Board for program support and activities in sections 414 and 416.

SEC. 416. FUNCTIONS OF THE NATIONAL SERVICE BOARD.

The National Service Board shall—

(1) administer programs authorized under title II and title III of this Act;

(2) provide, directly or through contract with public or private nonprofit organizations with extensive experience in service programs, training and technical assistance to States, full-time youth service corps, and full-part-time national service programs;

(3) in consultation with the Department of Education, provide one or more clearinghouses for information on service (the Board may contract with public or private non-profit organizations with extensive experience in service to perform such clearinghouse function);

(4) consult with appropriate Federal agencies in administering programs funded under titles II and III, and

(5) arrange for the evaluation of programs authorized under titles II and III of this Act, in accordance with section 414.

SEC. 417. PRESIDENTIAL AWARDS FOR SERVICE.

(a) PRESIDENTIAL AWARDS.—

(1) IN GENERAL.—The President is authorized to make Presidential Awards for service to individuals demonstrating outstanding community service and to outstanding service programs.

(2) NUMBER OF AWARDS.—The President is authorized to make one individual and one program award in each Congressional district, and one statewide program award in each State.

(3) CONSULTATION.—The President shall consult with the Governor of each State in the selection of individuals and programs for Presidential Awards.

(4) PARTICIPANTS IN PROGRAMS.—An individual receiving an award under this section need not be a participant in a program assisted under this Act.

(b) INFORMATION.—The President shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.

SEC. 418. COMPREHENSIVE SERVICE STRATEGY.

The President shall design a comprehensive Federal service strategy that shall include—

(1) the review of existing programs to identify and expand opportunities for service, especially by students and out-of-school youth;

(2) the designation of a senior official in each Federal agency who will be responsible for developing youth service opportunities in existing programs nationwide;

(3) the establishment of service projects in each Federal agency;

(4) the encouragement of Federal employees to participate in service projects;

(5) the designation of an executive branch official to coordinate the Federal service strategy; and

(6) the annual recognition of outstanding service programs by a Federal agency.

TITLE V—EXPANSION OF VOLUNTEERS IN SERVICE TO AMERICA

SEC. 501. SHORT TITLE.

This title may be cited as the "VISTA Expansion Act of 1989".

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081) is amended by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

"(1) There are authorized to be appropriated to carry out part A of title I (except section 109) $30,600,000 for fiscal year 1990, $39,909,000 for fiscal year 1991, $47,800,900 for fiscal year 1992, and $56,500,000 for fiscal year 1993.".

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS

SEC. 601. SHORT TITLE.

This title may be cited as the "National Older American Volunteer Programs Expansion Act of 1989".

SEC. 602. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

Part D of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5021 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

"(a) IN GENERAL.—The Director shall establish, within each program authorized under this title, a program for making grants to support programs that address national problems on a local level.

"(b) USE OF GRANTS.—The recipient of a grant under the program established under subsection (a) shall use such grant to provide creative solutions to urgent problems.

"(c) AWARDING OF GRANTS.—

"(1) ESTABLISHMENT OF PROGRAM.—There is established the 'Programs of National and Local Significance' program. Under the program, the Director shall award grants each year to programs administered under this title to respond to an identified community need.

"(2) AWARDS.—

"(A) IN GENERAL.—The grants authorized under paragraph (1) may be awarded to both existing and new projects.

"(B) LIMITATION.—A grant under paragraph (1) may not exceed $150,000 per year.

"(3) CRITERIA FOR AWARDING GRANTS.—

"(A) IN GENERAL.—Under the program established under paragraph (1), the Director shall award grants based on a demonstration by an applicant that such grant will enable such applicant to uniquely and effectively respond to an identified community need.

"(d) USE OF GRANTS.—A program receiving a grant under subsection (a) shall demonstrate that assistance provided by such grants shall be used to increase—

"(1) the total number of volunteers supported by such projects; and

"(2) the number of volunteers in such projects engaged in responding to the identified community need referred to in subsection (g) for which such grant was made.

"(e) DISSEMINATION OF INFORMATION.—The Director shall disseminate information on the Programs of National and Local Significance established under this section to field personnel of the ACTION Agency and other community volunteer organizations that request such information.".

"(f) PRIORITY.—Priority for grants under this section shall be given to the following programs of national significance—

"(1) programs that assist individuals with chronic and debilitating illnesses such as immune deficiency syndrome;

"(2) programs designed to decrease drug and alcohol abuse;

"(3) programs that work with teenage parents;

"(4) mentoring programs that match senior volunteers with youth who need guidance;

"(5) adult and school-based literacy programs;

"(6) respite care, including care for frail elderly individuals and disabled or chronically ill children living at home;

"(7) before and after-school programs, sponsored by organizations such as libraries, that serve children of working parents;

"(8) programs working with boarder babies;

"(9) programs serving children who are enrolled in child care programs with priority given to those serving children with special needs; and

"(10) the provision of care to developmentally disabled adult individuals residing in home and community-based settings, and when appropriate, the involvement of older developmentally disabled individuals as Older American Volunteer Program volunteers.

"(g) FUNDING.—

"(1) AMOUNTS TO BE MADE AVAILABLE.—Notwithstanding any other provision of law, the Director shall make amounts under section 502 available to carry out this section.

"(2) DIRECTOR.—The Director shall not make grants under this section within a program authorized under this title unless the amount appropriated under section 502 for

such program, for the fiscal year that such grants are made, exceeds 105 percent of the amount appropriated for the preceding fiscal year for such program.".

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

(a) RETIRED SENIOR VOLUNTEER PROGRAM.—Section 502(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(a)) is amended—

(1) by striking out "and" after "1988,"; and

(2) by inserting after "1989" the following: ", $39,900,000 for fiscal year 1990, $43,900,000 for fiscal year 1991, $48,300,000 for fiscal year 1992, and $53,100,000 for fiscal year 1993,".

(b) FOSTER GRANDPARENT PROGRAM.—Section 502(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(b)) is amended—

(1) by striking out "and" after "1988,";

(2) by inserting after "1989" the following: ", $70,800,000 for fiscal year 1990, $80,900,000 for fiscal year 1991, $91,700,000 for fiscal year 1992, and $98,200,000 for fiscal year 1993,".

(c) SENIOR COMPANION PROGRAM.—Section 502(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(c)) is amended—

(1) by striking "and" after "1988,"; and

(2) by inserting after "1989" the following: ", $36,600,000 for fiscal year 1990, $39,000,000 for fiscal year 1991, $44,700,000 for fiscal year 1992, and $48,700,000 for fiscal year 1993,".●

● Mr. PELL. Mr. President, I am pleased to join my colleagues in introducing this important piece of legislation. I am even more pleased by the fact that we have achieved such consensus. We have brought together a series of very different proposals in a most amicable fashion as can be seen by the fact that this bill is cosponsored by Senators KENNEDY, DODD, NUNN, MIKULSKI, GRAHAM, and ROBB, among others.

Title III of this legislation embodies many of the principles set forth in my own bill, which I introduced in the 100th Congress and again earlier this year. I have long sought enactment of a national service demonstration bill that would link community service to an educational benefit. My efforts to achieve that linkage are reflected in the consensus legislation we are introducing today.

Under the terms for full-time service in title III, the program would be open to any individual who has achieved the age of 17. If the person is not a high school graduate, he or she would have to complete a GED during their 2-year period of service.

Every full-time participant would have to complete 2 years of service. During this period they would receive subsistence compensation that would range from $6,200 to $7,000 a year. Upon successful completion of the service obligation, they would be entitled to receive a voucher, which would total $8,500 a year for 2 years.

The voucher could be used either for education, or for a down payment on a home, or for both. The addition of the housing element is a significant departure from my original proposal, but one that I strongly support. Two of the most important dreams in American life are the opportunity for advanced education and the chance to own your own home. We make realization of both of those dreams more possible through this legislation.

An education voucher could be used at any institution eligible to receive Federal student aid and could also be used for participation in an apprenticeship training program run by a labor union.

We anticipate that the full-time program would begin in 5 States and grow to at least 12 States in the fourth year of the program. This, to my mind, would give us an adequate basis upon which to judge the success of the demonstration program.

Title III makes provision for part-time service, and thus embodies the proposal originally put forth by Senator MIKULSKI. This, too, is an important alteration of my original proposal, but one which I am glad we have been able to make. The opportunity for part-time service is especially important for working men and women who simply might not be able to pursue service on a full-time basis.

The education/housing voucher would be worth $3,000 for each year of part-time service with a requirement that an individual must serve at least 3 years. As in the full-time program, this voucher could be used for education purposes or as a down payment on a home.

Overall, the program would be administered by a government-established corporation, similar in concept to the Corporation for Public Broadcasting.

While the National Service Demonstration Program has been the focal point of my concern, it is by no means the only significant title in this legislation. The title I program of support of school- and campusbased community service provides for a substantial increase in the innovative projects for Community Services Program at the fund for the Improvement of Postsecondary Education.

In addition, we make important changes in the College Work Study Program and the State Student Incentive Grant Program in order to encourage the development and implementation of community service opportunities. Further, we provide for partial cancellation of loans in both the Stafford and Perkins loan programs to those who perform full-time service with tax-exempt community service organizations. This service would have to be comparable to that experienced by Peace Corps or VISTA volunteers.

Mr. President, the legislation we are introducing today is the product of give and take on all sides by the proponents of proposals that varied widely in their approach to national and community service. It is a good, strong piece of legislation and one I believe merits the serious consideration and support of our Senate colleagues.●

● Ms. MIKULSKI. Mr. President, I'm very happy to join with my distinguished colleagues today in introducing the National Community Service Act. This is really the Congress at its best. This is where we've taken a look at a compelling national need: the desire of young people to either afford higher education or the ability to own their own home. A national need that we need more volunteers: full time, part time, anytime. And at the same time we've taken our individual ideas and fashioned them together into a continuum of community service.

I am proud to join with so many of my distinguished colleagues:

Senator KENNEDY believes that all people of any age should have the opportunity to volunteer and can volunteer whether they're 9 or 69. He fashioned a particular program reaching out to the youth.

Senator DODD, who believes that the disadvantaged should not only be the beneficiaries of social services, but can make an actual contribution to the delivery of social services.

Senator PELL, who wants to be sure college students have an opportunity that while they are learning in the classroom, they could also learn in the laboratory of life.

Senator NUNN and Senator ROBB, who believe that there should be full-time service to ensure civil responsibility along with meeting a civil need.

Senator BOB GRAHAM, who believed that the business community wanted to do something, if we show them how they could get involved and stay involved.

And therein lies the genesis of our bill. A national need, a willingness to take our individual ideas and fashion them into a continuum of community service.

I am so pleased to be part of this bill because what it does is this: whether you're a 9-year-old kid doing aerobics at a nursing home, or you're a 19-year-old delivering meals-on-wheels, or you're a 69-year-old in the classroom doing literacy training, there's not only room for you in America, America needs you.

I'm particularly pleased that I was part of the post-high school component of this program, or post-GED. It is a complement to the Nunn-Robb approach to full-time community service. Mine is modeled on a part-time idea where we would ask people to give 2 weekends a month to work in their own community. As we worked on volunteer services, we know that not everybody could go away or not everybody should go away. Our high-tech graduates had to go immediately into their fields, but boy could we use them

running Saturday scholars programs or science fairs. And some people wanted to get on with their life and relationship in their own community.

Well, we know now that this would create both an opportunity for young people to pay for their education or put down a downpayment on a first home, but at the same time we ask an obligation. We want to reach out to people and show that we want to help them with their aspirations, but we want them to put a little perspiration into their own community and along the way get inspiration through their continued work.

Let me just sum up by saying this is the 25th anniversary of "Mississippi burning." We all remember that. And we all remember that 25 years ago volunteers spread out through this world in an unprecedented effort through Peace Corps, through VISTA, through other programs that then went into parts of rural America to teach. Twenty years ago we landed on the Moon. Everybody remembers that, but I remember that it was the summer that I began a fight against a highway in Baltimore. That fight led to changing the face of Baltimore, but it changed my life. For all that I've done, it was my work as a citizen volunteer that maybe meant the most to me, and I hope it meant the most to others.

So President Bush said in his inaugural address, we were heavy on will and light on wallet. I think this modest demonstration project shows we're heavy on will and we'll be light on the wallet.●

● Mr. BUMPERS. Mr. President, today I am delighted that Senator KENNEDY, chairman of the Senate Labor and Human Services Committee, has decided to include three bills I introduced on March 8, S. 539, S. 540, and S. 541, as parts of his omnibus national service bill.

The three bills that I introduced move the Government out of the way so that our young people will be able to provide voluntary service to their community and to the Nation. They belong in the omnibus national service bill and I very much appreciate the support and leadership that Senator KENNEDY has provided on this important issue.

The legislation I introduced makes it possible for many more young people to provide voluntary service by reducing the pressure that these young people feel from their student loan debt burden. The legislation reduces this debt burden pressure for students when they provide full-time, low-paid voluntary service to their community as employees of nonprofit community service organizations.

THE NEXT GENERATION

There are many who are ringing their hands about the next generation, worried about what the "world is coming to."

We have even coined a new word for some of the young people in our country—yuppies. And there is a negative stereotype that we assign to yuppies—earnest young people concerned only with their salaries and their possessions.

But, the premise of the legislation I introduced is that many young people do not fit the yuppie stereotype.

I am not one of those who is worried about the next generation. I go out of my way to meet with young people and I am impressed with them and with their values.

They want to serve their community as volunteers.

They have a social conscience.

The know that Government services are not enough to help the poor, the sick, and the disadvantaged.

They care about others and they have a charitable spirit.

STUDENT LOAN INDEBTEDNESS

They are willing to devote themselves to serving these needs, but many of our college graduates believe that they are unable to do so due to the debts they have accumulated in order to attend college. With these enormous debts they simply feel that community service is not a realistic option for them.

In fact, the most frequently cited reason of students on why they do not perform some service to the community is their loan debts.

Upon graduation their first priority is to secure a high paying job so that they can earn the money to begin to repay their loans. This focus is a function of reality, not selfishness.

We should applaud this sense of responsibility in wanting to repay their debts. We are burdened by some who don't repay their student loans. We want our students to feel responsible for repaying their loans.

The problem is that once a student takes that first high paying job, he or she has passed by a major opportunity to provide service to the community. And it then becomes quite unlikely that they will ever perform full-time service to their community.

When students graduate from college, they have many choices and few encumbrances. For many of them it is possible to devote a year or two to serving the community before they begin to settle down with a family, an employer, and a house.

The legislation I am introducing says, "take this time to provide a year or more of service to the community. You may never have an opportunity to do so again."

It says, "the Government will not require you to immediately repay your student loan debts if you serve the community."

The legislation says, "the Government will even partially cancel your obligation to repay your loans if you serve the community."

The legislation says, "you will never regret serving your community." It says, "your service to the community is important to the Federal Government as well as to the community you serve."

The legislation permits young people to consider community service and to stop worrying about their debts while they serve.

The legislation takes away the most commonly heard excuse about why young people are not willing to serve.

The legislation challenges young people to think more about the possibility of service, rather than simply referring to their debts and dismissing the whole subject out of hand.

Young people may still conclude that they don't want to serve. They may have other excuses. They may place a higher priority on material possessions. They may be more interested in a fancy car than in helping their fellow citizens.

But, with this legislation in place, they will have to find an excuse other than student loan debts. They will have to consider the issue on the merits.

PEACE CORPS MODEL

The legislation I am introducing today is based on the model of service provided by the Peace Corps and VISTA.

What my legislation attempts to do is extend the Peace Corps and VISTA models of service into the private sector.

What they do is encourage private sector nonprofit organizations to set up their own Peace Corps and VISTA programs, with the Federal voluntary service programs serving as the model.

What my legislation does is seek to create an Un-Peace Corps or a decentralized Peace Corps.

My legislation does not compete with the Peace Corps or VISTA in any way. They build on the idea that service involves some sacrifice. It is premised on the idea that service involves commitment. It recognizes the principal reward for service should be the sense of satisfaction and accomplishment that comes with the service.

Some of the other national service proposals may present a problem for the Peace Corps and VISTA because they would reward service with benefits that are more generous than those that are given to Peace Corps and VISTA volunteers. This may put competitive pressure on the Peace Corps and VISTA. My legislation does not have this effect.

My legislation is the direct descendant of the Peace Corps.

DEFERMENT AND FORGIVENESS

Since the early 1960's there has existed a deferment on repayment of direct and guaranteed student loans for Peace Corps and VISTA volunteers. In 1980 this deferment was

made available to students who perform similar service in the private sector for nonproft, tax-exempt community service organizations.

To qualify for the deferment, the service with the nonprofit organizations must be comparable to the service of a Peace Corps or VISTA volunteer and this means that the service must be full time, low paid and long term, which means at least a year.

One of my bills simply directs the Department of Education to publicize the current deferment for service with a nonprofit organization, just as the Peace Corps and VISTA publicize the same deferment available for their volunteers.

I also propose that there be authorized partial cancellation of direct, Perkins loans, for students who serve with tax-exempt organizations. This proposal is identical to a provision that partially cancels the direct loans of Peace Corps and VISTA volunteers. Again, to qualify for partial cancellation of direct loans, the service with the tax-exempt organization must be comparable to the service of a Peace Corps or VISTA volunteer.

With both the deferment and partial cancellation of direct loans, the incentive and benefit was initially given to Peace Corps and VISTA volunteers and I am simply seeking to extend it to comparable service in the private sector with community service organizations.

I have also proposed that there be authorized partial cancellation of GSL, Stafford loans for Peace Corps and VISTA volunteers and for students who serve in comparable positions with tax-exempt community service organizations. This partial cancellation of guaranteed loans would be new to the Peace Corps and VISTA and new to students who serve with tax-exempt organizations. Here the exact same benefit would be given to each volunteer, Peace Corps, VISTA, or private sector Peace Corps volunteers.

ALTERNATIVE NATIONAL SERVICE PLANS

As I have said, this legislation moves the Government out of the way so that young people can provide voluntary service to their communities.

There are many Members of the Congress now proposing various incentives and programs to promote community service.

These other proposals tend to have several features in common.

First, they tend to be quite costly. They either set up whole new Government programs or bureaucracies or they would dispense millions of dollars in benefits to young people who are willing to perform community service.

Second, because so much money is involved, they will tend to give the Federal Government a major responsibility in setting standards for the kind of service that will be performed.

And third, one of them denies Government benefits to young people who choose not to serve. It contains a stick as well as a carrot. I am delighted that this approach is not included in this omnibus bill.

My legislation shows my trust in young people. I have confidence in them.

I do not believe young people need to be pushed to serve.

They don't need to be made to feel greedy when they don't serve.

They don't need to be bribed to serve.

They don't need to be deprived of Government benefits to persuade them to serve.

They don't need to be required to serve.

It would be condescending of us to assume that most young people are not willing to serve their community unless they are pushed or bribed to do so.

And, if it is true that they need to be pushed or bribed, it is doubtful if we will be very happy with the kind of service that these young people will provide to us.

My approach reduces a major impediment to service, student loan indebtedness. It takes away the principal excuse that young people often give for not serving. The cost of the legislation is modest and it is based directly on two proven programs, the Peace Corps and VISTA.

I am concerned about proposals that are costly and which will dramatically increase the Federal Government presence in the voluntary service field. I am concerned about bureaucracy, regulatory requirements and control.

My legislation involves almost no bureaucracy, no Government standards on how the service is to be performed, no Government regulation on who may serve, and no Government control of the tax-exempt organization that is organizing the service.

NONPROFIT SECTOR

The Federal Government does not have to organize the service opportunities for young people. This country is blessed with a multitude of tax-exempt charitable organizations that is unique.

These tax-exempt charitable organizations provide service to those in great need. They do so efficiently and fairly. They show immense creativity and imagination in providing service.

The Government doesn't have to find placements for the students who want to serve. The opportunities for service are all around us with nonprofit community service organizations.

It doesn't have to pay the students a living allowance while they serve. They can serve as paid employees.

It doesn't have to provide services to the young people while they serve. They can receive fringe benefits from their employer.

The Government could do some of these things and there are wonderful Government programs, like the Peace Corps and VISTA, which involve the Government very directly in organizing and funding civilian service.

There is also a superb network of State and local service corps that are organizing and funding youth service.

These programs certainly make it easier for some young people to serve.

And the Government would probably find that additional young people are willing to serve if the Government organizes and funds the service.

What I am saying, however, is that the Government can accomplish much of its objective simply by removing a major barrier to service, the obligation students feel immediately to begin repaying their student loan debts, and encouraging young people to serve in the private sector with existing tax-exempt community service organizations.

This approach is simple, effective, inexpensive, and involves none of the controversy which may arise with some of the other national service proposals.

STUDENT COMMUNITY SERVICE LEGISLATION

As I have said, the legislation I am introducing would give students a break on their Government student loans when they are willing to take low-paid, full-time positions with tax-exempt community service organizations.

CURRENT DEFERMENT PROGRAM

Few students know that when they serve in these low-paid, full-time positions with community service organizations that they already can defer repayment of all of their Government student loans. The first bill I introduced, S. 539, would simply require that the Department of Education publicize this current deferment—which it has adamantly refused to do.

PARTIAL CANCELLATION, PERKINS LOANS

Under current law the direct student loans—Perkins, NDSL loans—of Peace Corps and VISTA volunteers are partially canceled—up to 75 percent cancellation over 4 years. The second bill I am introducing would extend this partial loan cancellation to students who perform comparable service with tax-exempt community organizations.

PARTIAL CANCELLATION, STAFFORD LOANS

The current partial cancellation provisions for Peace Corps and VISTA volunteers only apply to direct [NDSL] loans, so the third bill I am introducing will provide for partial cancellation of guaranteed loans—Stafford, GSL—for Peace Corps and VISTA volunteers and for students who perform comparable service with tax-exempt community service organizations. This loan cancellation applies to both undergraduate and graduate students with GSL loans. GSL loans

constitute the bulk of the Federal student financial assistance.

Taken together these three bills make a strong statement about the desire of the Government that young people provide voluntary service to their community.

HISTORY OF LEGISLATION

The first and second bills are based on legislation I introduced in the last Congress, S. 759 and S. 760. (133 CONGRESSIONAL RECORD at S3264-68, March 17, 1987.) The GSL loan cancellation bill is new with this Congress.

In 1987, I testified on these bills before the Subcommittee on Human Resources of the House Post Office and Civil Service Committee. "Voluntary National Youth Service Act," hearings of April 29, 1987. Congressman GERRY SIKORSKI, chairman of that subcommittee, has been the lead House sponsor for the student community service legislation.

In December 1987, I authored a directive to the Department of Education regarding implementation of the current deferment. (133 CONGRESSIONAL RECORD at S17943-44, December 11, 1987.) Unfortunately this directive was completely ignored.

In September 1988 the Senate adopted the substance of S. 760 as an amendment to the Stafford Student Loan Default Prevention and Management Act of 1988, S. 2647. (134 CONGRESSIONAL RECORD at S12541-42, September 15, 1988.) Earlier this year the Senate again adopted the substance of the deferment-implementation bill (this year, S. 539) as an amendment to the same legislation. (135 CONGRESSIONAL RECORD at S3202, March 17, 1989.)

I also testified before the Senate Labor and Human Resources Committee earlier this year when it held its hearings on the national service legislation.

THE CURRENT DEFERMENT

Over the past 2 years I have written many letters to the Department of Education regarding implementation of the current deferment.

This deferment for young people who work full-time in low-paid positions with tax-exempt community service organizations came into existence with the 1980 amendments to the Higher Education Act. The deferment was first proposed by Mr. Matthew R. Paratore, executive secretary, International Liaison of Lay Volunteers in Mission in testimony to the Subcommittee on Postsecondary Education. "Reauthorization of the Higher Education Act and Related Measures, Part 6," Subcommittee on Postsecondary Education, House Committee on Education and Labor, 96th Congress, first session, at 157-163 and 292-294). He is responsible for the deferment.

Mr. Paratore pointed out to the subcommittee that there already existed a deferment on repayment of student loans for Peace Corps and VISTA volunteers. He suggested that the same deferment be available for full-time, low-paid service with tax-exempt community service organizations.

The subcommittee recognized the simple equity in Mr. Paratore's suggestion and extended the deferment to such service with tax-exempt organizations. This put full-time, low-paid employees of tax-exempt community service organizations on a par with Peace Corps and VISTA volunteers.

As with Peace Corps and VISTA volunteers, the deferment applies to direct, guaranteed and plus loans. It is available for full-time service for at least a year. All a student has to do to obtain the deferment is fill out a simple one-page form certifying that he or she qualifies.

It would all be very simple except that since enactment of this deferment the Department of Education has systematically refused to publicize the existence of the deferment or even inform students of the requirements for claiming it. As a result, very few students are aware of the deferment and very, very few students are using it.

The Department refuses to collect data on how many students are claiming this deferment, so we do not know how many students are using it. We suspect that about 1,000 students are now using this deferment. I have asked the Department to begin collecting data on the utilization of the deferment and it has refused to do so.

For more than 2 years the Department also refused to provide information to me on exactly which students qualify for the deferment.

Finally, on September 1, 1988, the Department did supply me with answers to a series of questions I raised about the deferment and on May 26, 1989, the new Secretary of Education, Lauro F. Cavazos, finally answered my final questions about the current deferment.

We now know who qualifies for the current deferment—9 years after the deferment became law. And I am now seeking to publicize this information so that more students might consider community service.

But to this day the Department continues to mislead students about the terms of the current deferment. It refuses to inform anyone that a student may be a paid volunteer and still qualify for the deferment. It only informs students that they must be volunteers, which strongly implies that they may not be paid. This is not the case. The Department's May 26 letter finally acknowledged that students can be paid the minimum wage by their nonprofit employers.

It is shocking to me that the Department would not want to pubicize the current deferment.

I have not asked it to issue any new regulations about the deferment.

I have not asked it to support the enactment of any new legislation regarding the deferment.

All I have asked it to do is implement the law as it has stood since 1980.

It is outrageous that I have to resort to the introduction of legislation to achieve this objective. But, given the refusal of the Department to implement the law, that is what my first bill would do, direct the Department of Education to implement and publicize the current deferment.

The refusal of the Department to implement the current deferment program is not due to the potential cost of the program. According to the Department the current deferment costs only $80 per $1,000 of the student's loans per year. This is an incredibly cheap program given the fact that it encourages young people to devote a year or more of their lives to community service.

Its refusal also does not arise from any church-state issues. It has been clear from the beginning that the deferment is available for church-affiliated tax-exempt organizations as long as the student, "as part of his or her duties, does not give religious instruction, engage in religious proselytizing, or engage in fundraising to support religious activities." (Department regulations.)

The only explanation for the Department's refusal to implement the current deferment is its indifference—or perhaps it hostility—to students who are willing to devote a year or two of their lives to serving the community.

If the administration really supports community service, it can begin to implement and publicize the current deferment.

The deferment is not a generous program. It requires full-time, low paid service for at least a year. If this type of service is not deserving of the administration's support, I have a hard time understanding what the President means when he calls for a thousand points or light.

PARTIAL CANCELLATION: DIRECT LOANS

In the 1986 Higher Education Act amendments the current deferment for Peace Corps and VISTA service was supplemented by a provision authored by Senator DODD that partially cancels the direct (Perkins, N.D.S.L.) loans of Peace Corps and VISTA volunteers.

The partial cancellation provision provides that 15 percent of a volunteer's direct loans will be canceled for each of the first 2 years of service and an additional 20 percent will be canceled for each of the next 2 years of service as a volunteer. This means that

a total of 70 percent of a student's direct loans may be canceled.

The partial cancellation provision applies only to new loans taken out by students just beginning their college education. It is not retroactive to loans or students who have previously taken out direct loans. It is an incentive only, with no windfall for students who already are in school.

The partial cancellation applies on top of the deferment. In other words, the student who serves as a volunteer will not be obligated to begin repaying his or her loans during the term of service as a volunteer and then when he or she does begin to repay the loans, he or she will not have to repay the full amount of the loans.

So, we first has a deferment for Peace Corps and VISTA service than then we had a deferment for comparable service with tax-exempt community service organizations. Then we had partial cancellation of direct student loans and I am proposing that we extend this same provision to students who serve with tax-exempt community service organizations.

I am asking for symmetry.

I am asking for equal treatment.

The terms of the partial cancellation I am seeking is the same for both groups of volunteers.

Each year the Federal Government makes approximately 800,000 direct loans. These direct loans go to students with substantial financial need. it is particularly appropriate that the partial cancellation provision apply to the loans which are used by the students with substantial financial need. They are much more likely to need this partial cancellation to be able to provide the community service.

Extending the partial cancellation provision to students who serve full-time in low-paid positions with tax-exempt community service organizations is a simple matter of equity. We've extended the deferment to these students and now we should extend the partial cancellation benefits to them as well.

PARTIAL CANCELLATION: GUARANTEED LOANS

Under current law the partial cancellation provision applies only to direct loans. There is no partial cancellation for guaranteed loans for any student volunteer no matter where he or she serves. The loan deferment provision applies to guaranteed loans, but not the partial cancellation provision.

But, there are a great number of students with guaranteed loans who might be inclined to join the Peace Corps or VISTA or take full-time, low-paid positions with tax-exempt organizations if their guaranteed loans were partially canceled. There are over 3 million students with guaranteed student loans, nearly four times as many as have direct loans.

Accordingly, my third bill would partial cancel a student's guaranteed loans when he or she joins the Peace Corps or VISTA or serves with a tax-exempt community service organization. This partial cancellation applies to any student with GSL loans.

COST OF THE LEGISLATION

These three bills encourage and promote community service at an incredible low cost.

As I have said, the current deferment costs only $80 per $1,000 of student loans deferred per year. The average loan balance for students is approximately $5,000, so the current deferment costs approximately $500 for each student who performs service. This is an incredibly low cost for the benefits that these students are providing to the community.

Because my first bill simply requires the Department to implement and publicize the current deferment, the bill raises no Gramm-Rudman or Budget Act issues. The bill does nothing to change the terms of the current deferment.

The cost of extending the partial cancellation for direct loans to students serving with tax-exempt organizations is minimal. According to a October 3, 1988, letter from the Congressional Budget Office, the cost of this proposal is $500,000 and this cost does not begin until fiscal 1993. This budget impact does not start until then as the provision applies only to new students and they will only then begin to graduate and to complete their terms of service with the tax-exempt organizations.

It would be more costly to partial cancellation for the GSL loans of Peace Corps and VISTA volunteers and of students who perform comparable service with tax-exempt organization. A preliminary estimate is that this third bill would cost less than $5 million per year. Again, this cost does not begin to be felt until fiscal 1993 because the benefits apply only to new loans taken out by new students.

POLITICAL REALITY

These bills are effective and equally important, they are politically realistic.

These bills do not involve the Federal Government in organizing the community service, no new agency or bureaucracy is established, there is no duplication of existing State and local service corps programs, and there is nothing mandatory or semimandatory. The Government does not secure placements for the students, subsidize their living expenses, pay for fringe benefits, or supervise their conduct.

Student loan indebtedness is the most frequently cited reason why students are unwilling to perform community service upon graduation. These bills take away that excuse.

The bills do not require service directly or indirectly.

The bills do not involve the Federal Government in organizing the service itself or even in placing students in service positions.

The bills do not create any new Government agency or bureaucracy. They are directed solely at the private sector.

The bills involve hardly any paperwork. All a student must do to qualify is to sign a simple form certifying that he or she qualifies for the deferment or partial cancellation.

The bills are very inexpensive.

To qualify for these benefits, the students must make a sacrifice. The position must be a low-paid one, meaning that the pay must not exceed the Federal minimum wage. This makes the service with a tax-exempt organization comparable to that of a Peace Corps or VISTA volunteer. If they make this sacrifice, they deserve a break on their student loans.

These bills build on the Peace Corps and VISTA model. These are proven programs and we should not experiment with untried service corps models. And, above all we should do nothing that adversely affects the Peace Corps and VISTA.

The bills do nothing to undermine the availability of Federal financial assistance to students who choose not to serve.

There already exist 50 State and local youth service corps and these bills do not duplicate or conflict with these programs.

These bills stimulate the entrepreneurs with tax-exempt organizations, who show great creativity in delivering needed services to the community at a low cost, rather than asking them to compete with other organizations for a limited amount of Federal grant money. We need to tap the creativity of the private sector, not burden it with Government bureaucracy and regulations.

Local community service organizations will not have to restructure themselves and their programs to meet Federal regulatory requirements or to avoid controversies which might imperil their grants.

Tax-exempt community service organizations will be encouraged to establish service corps that can make the best use of students who qualify for the deferment and partial cancellation programs.

Publicizing the current deferment requires no new legislation or appropriations. It can be done now, without any delay by the administration and by Congress. Member's offices can do this with mailings to the universities and colleges and tax-exempt organizations within their State.

The three bills I have introduced are realistic, effective and timely.

And I am delighted that they have been included in Senator KENNEDY's omnibus national service legislation.

I ask unanimous consent that two documents be printed at this point in the RECORD, some excerpts from letters commenting on S. 539, S. 540, and S. 541 and an outline of the terms for qualifying for the current student loan deferment and for the partial cancellation of student loans proposed in S. 540 and S. 541.

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

APPENDIX No. 1

LETTERS IN SUPPORT OF BUMPERS COMMUNITY SERVICE LEGISLATION

Following are excerpts from letters commenting on Senator Bumpers' student community service legislation, S. 539, S. 540, and S. 541:

Dallas Martin, National Association of Student Financial Aid Administrator, Washington, D.C.:

"I believe the incentives you have proposed . . . are important alternatives that should be considered. I also believe, as you do, that it is important we do not create new programs which provide benefits greater than we are now providing to individuals who successfully participated in such programs as the Peace Corps and VISTA. These are excellent programs, and I believe we need to build on our experience from these rather than trying to establish a completely new, untested model."

Charles B. Saunders, American Council on Education, Washington, D.C.:

"Your legislation to extend forgiveness for community service to Stafford loan recipients is an important complement to your earlier bill dealing with the Perkins loan program."

Ernest Boyer, the Carnegie Foundation for the Advancement of Teaching, Princeton, New Jersey:

"The legislation you've introduced . . . makes good sense to me."

Sheldon Hackney, President, University of Pennsylvania, Philadelphia, Pennsylvania:

"Your efforts to extend Perkins loan forgiveness . . . is indeed to be commended, and should, I believe be part of any community service legislation adopted by the Congress. I wholeheartedly agree with your premise that such legislation should build upon existing volunteer programs at a variety of Government and private levels, including those programs initiated by college students themselves."

Sister Ellen Cavanaugh, International Liaison of Lay Volunteers in Mission, Washington, D.C.:

"(W)e strongly support Senator Bumpers' legislation . . . we know that there are many young persons who would be willing to serve if they only could stop worrying about their student loan debt."

A declaration from Philadelphia (Students representing the eight Ivy League Universities), April 9, 1989:

"There must be an equal opportunity for all students to enter public service. Loan deferment and loan cancellation of guaranteed student loans are therefore necessities in eliminating barriers to and providing equal opportunities for engaging in public service."

Evelyn Pinneker, the Volunteer Connection, Scotts Bluffs, Nebraska:

"(T)he bills are an exciting challenge for our youth and programs like mine."

David Orr, General Conference Mennonite Church, Newton, Kansas:

"As an administrator of a non-profit voluntary service program, I am certain that this legislation, if passed, could make a very significant impact on the number of young people available for community service."

Ben Richmond, Friends United Meeting, Richmond, Indiana:

"I believe that this legislation would be of significant assistance to young people who would like to provide service to others, but who feel financially unable to do so following graduation from college."

Gary Gonya, Youth Department, Diocese of Toledo, Toledo, Ohio.

"The loan deferment and loan cancellation legislation of Senator Bumpers would greatly aid us in our endeavors to challenge out youth. Bumpers' legislation . . . would grant to all our full time volunteers the same incentives that we have (and I had) in a tour of service in the Peace Corps or VISTA."

Michael Tanner, Covenant House, New York, New York:

"I feel it is my duty to communicate our support for (the Bumpers) legislation."

Robert A. Seeley (Board, Center Committee for Conscientious Objectors), Philadelpha, Pennsylvania:

"I think all three bills are very good ideas, which have been badly needed for years now."

Dave Treber, legislative liaison, National Interreligious Service Board for Conscientious Objectors, Washington, DC.:

"It was especially enjoyable to have a presentation on a bill which could help the spirit of volunteerism in this country a great deal without creating some massive Federal bureaucracy."

Adam Yarmolinsky, University of Maryland, Baltimore, Maryland:

"I am writing to urge your support for the legislation introduced by Dale Bumpers . . . these bills seem to me a more reasonable approach to the national service issue than the proposals that would condition student loans or grants on performance of national service."

Charles Shelby Rooks, United Church Board for Homeland Ministries, New York, New York:

"You have my full support for all three of your bills."

Andy Weis, Public Service Center, Stanford University, California:

"Senator Bumpers' legislation s practical, staightforward and inexpensive . . . (T)he three bills . . . are easily implemented and effectively address several problems that (Stanford project on national service) would like to see alleviated."

APPENDIX No. 2

LOAN DEFERMENT AND LOAN CANCELLATION BILLS: QUALIFICATION REQUIREMENTS

There already exists a deferment on repayment of student loans for borrower who perform service comparable to that of a VISTA or Peace Corps volunteer. Senator Bumpers has proposed that this current loan deferment be supplemented by partial cancellation of the loans of the borrowers who perform this service.

The qualification requirements set for the proposed partial loan cancellation would be the same as for the current deferment. Following is an outline of the requirements for the current deferment:

1. *Tax-Exempt Organization.*—To qualify for the current deferment the student borrower must be employed by an organization that is exempt from Federal income taxes under section 501(C)(3) of the Internal Revenue Code provided that the individual is performing services comparable to those provided by volunteers in VISTA or the Peace Corps.

2. Full-time: The student borrower must work full-time. The number of hours that constitutes "full-time" is determined by the organization employing the individual.

3. At least a year: The student borrower must work for at least 1 year. If the student does not, in fact, work for 1 year, no penalties are imposed on the student.

4. Low pay: The maximum compensation that the student borrower may earn is the Federal minimum wage. It is not clear whether "compensation" includes fringe benefits. The student borrower may receive compensation from other employers if the individual serves "full-time" with the tax-exempt organization.

These are the basic qualification requirements for the current deferment (and for the proposed partial loan cancellation).●

● Mr. GRAHAM. Mr. President, on February 8, 1989, I introduced, S. 382, the Business and Citizen School Volunteers Act. This legislation would establish a National Center for School Volunteer and Partnership Programs which would assist schools and businesses in effectively organizing, promoting, training, and utilizing volunteers in our Nation's schools. It would also provide incentives to create school volunteer and partnership programs that focus on using older Americans as volunteers and assist schools in creating or expanding programs in such important areas as drug and alcohol abuse prevention, dropout prevention, and health and nutrition education.

I am very familiar with the many benefits that community and business volunteers provide to schools. In Florida alone last year, there were some 140,900 volunteers who contributed more than 6.1 million hours of service to schools in the State. The estimated monetary value of this voluntary service was more that $48.9 million.

These volunteers, working under the supervision of professional school staff, greatly enrich and enhance the educational experience of students and teachers. Volunteers provide a wide variety of services to schools, including tutoring students in reading, math, science, and English; organizing and operating computer labs; and serving in guidance offices, libraries, and health centers.

Today, Senator KENNEDY has introduced the National and Community Service Act of 1989—comprehensive legislation to revive the spirit of community service in America.

I am very pleased that this legislation has incorporated many components of S. 382 that I introduced 5 months ago. It calls for the creation of a National Clearinghouse for School Volunteer and Partnership Programs, and provides incentives for the creation or expansion of volunteer and partnership programs nationwide—particularly those programs: involving older Americans as school volunteers;

involving partnerships between educational institutions and the private sector; and which focus on drug and alcohol prevention, school dropout prevention, or nutrition and health education.

I am honored to cosponsor this comprehensive national service bill, and urge my colleagues to join me in supporting this effort to encourage community service and school volunteer efforts in their States.●

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, Mr. THURMOND, and Mr. BRYAN):

S.J. Res. 183. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT ON A FEDERAL BALANCED BUDGET

● Mr. SIMON. Mr. President, today I am introducing a joint resolution for a constitutional amendment to balance the Federal budget. My proposal tackles head on one of the Nation's biggest problems: the national deficit.

The spree of deficit spending by our Federal Government must be curbed. Our interest expense is second only to defense and social security. In fiscal year 1980 the Federal Government spent $83 billion on interest. This fiscal year we are spending approximately $234 billion. Next year we will spend at least $263 billion for interest. Two years from now—for the first time in the Nation's history—we will probably spend more money on interest than on defense. For this we get nothing: No education, no health care, no resources for the battle against drugs and crime, no job training, no housing. And the money for this enormous expense comes out of the pockets of taxpayers, primarily the middle class.

And who gets these interest payments? These billions of dollars we spend on interest are paid to those who can invest in T-bills: the wealthy, more and more now from foreign countries. Our current policy is reverse Robin Hood: Steal from the middle class and poor and pay to the rich. Instead of paying the rich, we should be enriching our Nation.

The constitutional amendment I am introducing today requires us to adhere to fiscal responsibility, rather than financial treachery. My proposal requires the Federal Government to achieve and maintain a balanced budget. It charges the President to propose a balanced budget to Congress each year. An excess of outlays over receipts can be approved only by a three-fifths vote of both the House and the Senate. During wartime, the balanced budget requirement may be waived. These provisions ensure a course of reason in managing our fiscal affairs.

This is a bipartisan effort: my proposal for a balanced budget amendment is cosponsored by Senators HATCH, DECONCINI, THURMOND, and BRYAN, and I invite other Senators to join us.

As chairman of the Subcommittee on the Constitution, which has jurisdiction over this issue, I am committed to the progress of this proposal. I have scheduled hearings for today, with a markup immediately following. In the last Congress, my subcommittee held a hearing on a number of balanced budget proposals and favorably reported a balanced budget amendment. With an earlier start this Congress, I hope to be able to move the bill through the Judiciary Committee and to the floor.

A balanced budget amendment steers a self-disciplined course which protects our future economic prowess and national standard of living. Both flexibility and a strong mandate are needed for a fiscally responsible path for our Nation. The constitutional amendment which I propose provides both these elements; 48 States already function with constitutions mandating a balanced State budget, and a majority of States have called for a constitutional convention to enact a balanced budget amendment. Congress can help solve the ever-increasing deficit problem by heeding the majority of States who already perform within the constitutional restraints of a balanced budget and who cry for the same fiscal leadership from the Federal Government. Just as States have lived with their balanced budgets, so can our Nation. My proposal provides a livable constitutional mandate worthy of our children and grandchildren.●

● Mr. BRYAN. Mr. President, I rise in support of the joint resolution offered by the distinguished Senator from Illinois [Mr. SIMON]. I am pleased to be an original cosponsor of this measure to amend the Constitution to provide that Federal receipts and outlays be balanced.

The burgeoning Federal debt is an issue that should command our highest priority as we labor to address the needs of our country and our citizens. The debt, which has nearly tripled in size the last 8 years, holds hostage our future economic growth, mortgages the quality of life our children and grandchildren may enjoy, and threatens our efforts to remain a competitive economic power. The ongoing expense of servicing the debt impairs to a greater extent each year our ability to fund necessary programs out of existing revenues.

The Federal Government must stop spending money it does not have. That will require disciplined actions and hard decisions on the part of both the executive branch and the Congress.

Presently 48 State governments have constitutional provisions requiring that they balance their budgets. A similar Federal provision may be the only certain method of imposing fiscal order on the Federal Government's affairs.

When I became Governor of the State of Nevada in 1983, the State treasury was literally empty. We faced insolvency. So, we made the hard choices necessary to live within the State's means. We cut State spending, balanced budgets for 6 consecutive years, and retained the confidence and respect of the State's taxpayers. When I left the Governor's office in 1988, we turned over to my successor the largest budget surplus in the State's history.

I believe the Federal Government can benefit from the example that State governments have displayed in their fiscal affairs. I therefore urge my colleagues to support this joint resolution so that our constitution may be amended to provide for fiscal responsibility for the Federal Government.●

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 82

At the request of Mr. THURMOND, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 120

At the request of Mr. KENNEDY, the names of the Senator from Maine [Mr. COHEN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 120, a bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes.

S. 135

At the request of Mr. GLENN, the names of the Senator from Virginia [Mr. ROBB], the Senator from Hawaii [Mr. INOUYE], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 247

At the request of Mr. METZENBAUM, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Nevada [Mr. BRYAN], the Senator from Washington [Mr. ADAMS], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 247, a bill to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such act, and for other purposes.

S. 346

At the request of Mr. WIRTH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 346, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes.

S. 494

At the request of Mr. DURENBERGER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 805

At the request of Mr. MCCLURE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 805, a bill to amend the Food Security Act of 1985 to permit certain school districts to receive assistance to carry out the school lunch program in the form of all cash assistance or all commodity letters of credit assistance.

S. 993

At the request of Mr. KOHL, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. SIMON], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 993, a bill to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes.

S. 1062

At the request of Mr. GORE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1062, a bill to amend the Earthquake Hazards Reduction Act of 1977 to improve the Federal effort to reduce earthquake hazards, and for other purposes.

S. 1067

At the request of Mr. GORE, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1067, a bill to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Virginia [Mr. WARNER], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard.

S. 1142

At the request of Mr. BENTSEN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1142, a bill to establish and evaluate four military-style boot camp prisons within the Federal prison system as a 4-year demonstration program.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1153

At the request of Mr. DASCHLE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to provide for the establishment of presumptions of service-connection between certain diseases experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes.

S. 1163

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1163, a bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such case.

S. 1207

At the request of Mr. PACKWOOD, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kentucky [Mr. FORD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1207, a bill to amend the Communications Act of 1934 to reform the radio broadcast license renewal process and for other purposes.

S. 1214

At the request of Mr. DECONCINI, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1214, a bill to provide that ZIP code boundaries may be redrawn so that they do not cross the boundaries of any unit of general local government.

S. 1245

At the request of Mr. MITCHELL, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1245, a bill to amend the Federal Meat Inspection Act to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States, and for other purposes.

S. 1276

At the request of Mr. GLENN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1276, a bill relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for contract year 1990 or 1991, if no Government-wide indemnity benefit plan participates in that year.

S. 1310

At the request of Mr. SIMON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1385

At the request of Mr. LOTT, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1385, a bill to establish a tropical cyclone reconnaissance, surveillance, and research program under the joint control of the Secretary of Defense and the Secretary of Commerce.

SENATE JOINT RESOLUTION 53

At the request of Mr. D'AMATO, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 53, a joint resolution to designate May 25, 1989, as "National Tap Dance Day."

SENATE JOINT RESOLUTION 102

At the request of Mr. D'AMATO, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating September 1989 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 122

At the request of Mr. LUGAR, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate October 1989 and 1990 as "National Down Syndrome Month."

SENATE JOINT RESOLUTION 154

At the request of Mr. JOHNSTON, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of Senate Joint Resolution 154, a joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

SENATE JOINT RESOLUTION 175

At the request of Mr. D'AMATO, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. ADAMS], the Senator from South Carolina [Mr. THURMOND], the Senator from California [Mr. WILSON], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 175, a joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week."

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Resolution 155, a resolution to establish a temporary special committee of the Senate to provide oversight and guidance with respect to the responsibilities of the Director of National Drug Control Policy.

SENATE CONCURRENT RESOLUTION 57—RELATING TO THE 25TH ANNIVERSARY OF VOLUNTEERS IN SERVICE TO AMERICA

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 57

Whereas in 1964 Congress enabled legislation establishing the Volunteers in Service To America program (hereinafter referred to in this resolution as "VISTA") as this country's only full-time, volunteer, anti-poverty program;

Whereas since 1964, more than 100,000 individuals, from all walks of life, geographic areas, and ages have given a year or more of their lives to help the poor and disadvantaged of the United States;

Whereas VISTA has helped communities develop local leadership and has empowered people to help themselves and their communities;

Whereas VISTA volunteers have helped create and maintain employment programs, health clinics, battered women's shelters, legal services centers, literacy organizations, food banks, literacy education programs, substance abuse prevention projects, and housing programs;

Whereas VISTA volunteers have worked with homeless families, the mentally and physically disabled, migrant farmworkers, low-income senior citizens, incarcerated youth and adults, and refugees to enable them to become more self-reliant; and

Whereas with the increasing number of poor people in the United States, the importance of VISTA as one of the Nation's most effective weapons against poverty cannot be underestimated: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Senate—

(1) that VISTA be commended on its twenty-fifth anniversary for its work in helping to combat the difficulties caused by poverty; and

(2) that VISTA has been a highly successful program and the commitment of the Senate to VISTA is reaffirmed.

SENATE CONCURRENT RESOLUTION 58—CALLING ON THE PRESIDENT TO AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO ARMANDO VALLADARES

Mr. GRAHAM submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 58

Whereas Cuba continues to violate the human rights of thousands of its residents under the brutal dictatorship of Fidel Castro;

Whereas thousands of political prisoners remain in Cuban jails;

Whereas Armando Valladares, like many Cubans, endured privations and tortures while being held as a political prisoner in Cuba for 22 years; and

Whereas while serving as the United States Ambassador to the United Nations Human Rights Commission, Armando Valladres has helped to promote human rights and dignity for all individuals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That is the sense of the Congress that—

(1) the egregious human rights violations in Cuba should be condemned; and

(2) pursuant to section 2(b) of Executive Order 9586, the President should award the Presidential Medal of Freedom to Armando Valladares for outstanding efforts to secure human rights and freedom for Cubans and millions of individuals throughout the world.

● Mr. GRAHAM. Mr. President, I am submitting a concurrent resolution today calling on the President to award the Presidential Medal of Freedom to Armando Valladares for his outstanding efforts to secure human rights and freedom for Cubans and millions of individuals throughout the world.

Armando Valladares has become a shining beacon of courage and perseverance to all of those who have suffered at the hands of dictators. After spending 22 years in Fidel Castro's prisons, Armando was finally released in 1982.

He has gone on to serve his adopted country, leading the United States' human rights efforts before the United Nations in Geneva. Largely due to his dedication and commitment, the U.N. launched its first investigation of human rights in Cuba.

That landmark investigation has led the United Nations to extensively document across the board human rights abuses that included cases of torture, missing people, religious persecution, violations of civil and political rights, and violations of economic and social rights.

It is time we thank Armando for shining the light of world public opinion on the Castro dictatorship in Cuba. One very appropriate way we can do so is to award him the Presidential Medal of Freedom. It is the least we can do to show our sincere appreciation.●

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT—FISCAL YEARS 1990 AND 1991

ROTH AMENDMENT NOS. 425 AND 426

(Ordered to lie on the table.)

Mr. ROTH submitted two amendments intended to be proposed by him to the bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, as follows:

AMENDMENT NO. 425

At the appropriate place in the bill add the following new section:

Since the armed forces of the Soviet Union have deployed a weapons system capable of destroying low-orbiting satellites;

Since the armed forces of the United States wish to acquire a similar capability;

Since the capacity to destroy surveillance satellites is inherently destabilizing and could provoke a crisis during times of political tension; and

Since any program to acquire a United States antisatellite capacity and/or to improve the survivability of United States satellites will prove extremely costly;

Now, therefore, be it declared that it is The Sense of the Senate that—

The United States Government should pursue a "dual track" policy on antisatellite weaponry *viz,* that any military program designed to acquire such a military capability should be paralleled by a diplomatic offer to the Soviet Union to negotiate a verifiable treaty to abolish antisatellite weaponry.

AMENDMENT NO. 426

At an appropriate place in the bill, add the following new section:

SEC. . (a) METHODS OF PAYMENT FOR ACQUISITIONS AND TRANSFERS BY THE UNITED STATES.—Section 2344(a) of title 10, United States Code, is amended by striking out "or substantially identical nature" and inserting in lieu thereof "value".

(b) BROADENING OF ITEMS ELIGIBLE FOR EXCHANGE.—(1) The table of sections at the be-

ginning of Chapter 138 of title 10, United States Code, is amended by striking out the item relating to section 2348.

"(c) The following transfers in exchange for supplies or services are prohibited:

"(1) Transfers in exchange for property the acquisition of which is prohibited by law.

"(2) Transfers of nuclear warheads.

"(3) Transfers of chemical munitions.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS—FISCAL YEAR 1990

PRYOR AMENDMENT NO. 427

Mr. PRYOR proposed an amendment to the bill (H.R. 2883) making appropriations for Rural Development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes, as follows:

Insert at the appropriate place:

SEC. . (a) Not more than $47,003,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Agriculture.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Agriculture shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

NATIONAL DEFENSE AUTHORIZATION ACT—FISCAL YEARS 1990 AND 1991

BOSCHWITZ AMENDMENT NO. 428

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed to the bill S. 1352, supra, as follows:

At the appropriate place, insert the following:

SEC. . TERMINATION OF CONGRESSIONAL REPORTING REQUIREMENTS.

(a) TERMINATION.—Effective on January 1, 1991, any requirements imposed by law for the Secretary of Defense, the Secretary of a military department, or any other officer of the Department of Defense to submit a report to Congress (or to any committee of Congress) is terminated.

(b) POLICY CONCERNING EXCEPTIONS.—It is the policy of Congress that any exception to the provisions of subsection (A) will be enacted by law on a case-by-case basis and should only be made if (i) there is a unique and compelling rationale or requirement for requiring the report to be submitted and (ii) efforts to reduce unnecessary or redundant reporting requirements have been made and such a report is still justified.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS—FISCAL YEAR 1990

LEAHY (AND HARKIN) AMENDMENT NO. 429

Mr. BURDICK (for Mr. LEAHY, for himself, and Mr. HARKIN) proposed an amendment to the bill H.R. 2883, surpra, as follows:

On page 58, line 10 strike the amount "$4,872,044,000" and insert in place thereof the amount "$4,887,494,000"; and on line 12 strike the amount "$715,490,000" and insert in place thereof the amount "$730,940,000".

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS—FISCAL YEAR 1990

JOHNSTON AMENDMENTS NOS. 430 AND 431

Mr. JOHNSTON proposed two amendments to the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 44, line 19, strike "$1,098,431,000" and insert in lieu thereof "$1,114,431,000".

On page 48, line 13, after the sum "$9,554,098,000," insert the following:

"of which "$1,597,031,000 is for Defense Waste and Environmental Restoration activities including $658,467,000 for Waste Operations and Projects,"

ADAMS AMENDMENT NO. 432

Mr. JOHNSTON (for Mr. ADAMS) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 29 after line 10 add the following new section:

SEC. . Section 4(t)(3) of the Water Resources Development Act of 1988 (102 Stat. 4021-4022) is amended by adding at the end of subparagraph (3)(E) the following new subparagraph:

"(F) Upon transfer of OMR&R responsibility to the city in accordance with the provisions of this subsection, the Secretary shall further modify the project contract to forgive the city's OMR&R payment obligations in excess of $200,000 for the period beginning October 1, 1988 and ending September 30, 1989, provided that the total amount forgiven shall not exceed $600,000."

MOYNIHAN AMENDMENT NO. 433

Mr. JOHNSTON (for Mr. MOYNIHAN) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 7, line 9, before the period at the end of the line, insert the following: ": *Provided further,* That the Secretary of the army, acting through the Chief of Engineers, is directed to use $250,000 of the funds appropriated under this heading for a comprehensive reconnaissance study to determine what improvements in the interest of water quality and environmental enhancement are advisable for Onondaga Lake, New York".

SANFORD AMENDMENT NO. 434

Mr. JOHNSTON (for Mr. SANFORD) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 7 line 20 strike the figure "$1,022,270,000" and insert in lieu thereof "$1,022,770,000".

And on page 14 line 17 add the following before the colon: ": *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 of the funds appropriated herein to complete a reassessment of the Manteo (Shallowbag) Bay, North Carolina project, including a reanalysis of a sand-bypass system and the effect of stabilization measures undertaken by the State of North Carolina on the overall project".

EXON (AND KERREY) AMENDMENT NO. 435

Mr. JOHNSTON (for Mr. EXON, for himself, and Mr. KERREY) proposed an amendment to the bill H.R. 2696, supra, as follows:

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

SEC. . The lake and recreation area at Dam Site 18 of the Papillion Creek Basin Project in Nebraska shall, on and after the date of enactment of this Act, be known and designated as the "Ed Zorinsky Lake and Recreation Area". Any reference to the area containing such dam site and its lake and surroundings in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ed Zorinsky Lake and Recreation Area.

DECONCINI AMENDMENT NO. 436

Mr. JOHNSTON (for Mr. DECONCINI) proposed an amendment to the bill H.R. 2696, supra, as follows:

At the appropriate place in the bill add the following:

Notwithstanding section 601(B) of Public Law 99-662, the project for flood damage prevention, along the Rillito River, Pima County, Arizona, is authorized for construction in accordance with the plans described in the report of the Chief of Engineers dated January 22, 1988 at a total cost of $19,600,000 with an estimated first Federal cost of $14,600,000.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

SIMON (AND OTHERS) AMENDMENT NO. 437

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. DIXON) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

"SEC. . COMPTROLLER GENERAL CERTIFICATION ON BASE CLOSURES.—(a) The Comptroller General of the United States must certify to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives that no significant errors were made in the Commission's phase one determination of any base selected for closure or realignment. Those bases where such significant errors are found may not be closed or realigned.

(b) The Comptroller General must submit such certification no later than November 15, 1989.

DIXON AMENDMENT NO. 438

(Ordered to lie on the table.)

Mr. DIXON submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 247, below line 24, insert the following:

SEC. 836. COMPETITIVE PROCEDURES REQUIRED FOR PROCUREMENTS OF PRODUCTS AVAILABLE FROM FEDERAL PRISON INDUSTRIES.

(a) COMPETITIVE PROCEDURES REQUIRED.—The Secretary of Defense shall ensure that competitive procedures are used for the award of Department of Defense contracts for the procurement of a product which may be procured from Federal Prison Industries.

(b) LIMITATIONS.—In the solicitation for and award of contracts for the procurement of a product referred to in subsection (a), the Department of Defense may not—

(1) accord Federal Prison Industries any greater preference than is accorded small business concerns; or

(2) purchase any product of Federal Prison Industries for a price that exceeds the current market price of such product.

(c) DEFINITIONS.—As used in this section:

(1) The term "current market price" means, with respect to any product, the fair market price of that product, within the meaning of section 15(a) of the Small Business Act (15 U.S.C. 644(a)), at the time that the contract is awarded.

(2) The term "small business concern" shall have the same meaning as is provided in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)), and includes a small business concern owned and controlled by socially and economically disadvantaged individuals.

(3) The term "small business concern owned and contolled by socially and economically disadvantaged individuals" shall have the same meaning as is provided in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS—FISCAL YEAR 1990

DOMENICI AMENDMENT NO. 439

Mr. DOMENICI proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 56, line 14, strike all beginning with the word "and" through the word "seq.))." on line 16, and insert in lieu thereof the following: "colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans, or Native Americans. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women:"

PRYOR AMENDMENT NO. 440

Mr. PRYOR proposed an amendment to the bill H.R. 2696, supra, as follows:

Insert at the appropriate place:

SEC. . (a) Not more than $36,271,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Energy.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Energy shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

METZENBAUM (AND GLENN) AMENDMENT NO. 441

Mr. METZENBAUM (for himself and Mr. GLENN) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 20, line 9, immediately following the colon, insert the following: *"Provided further,* That $300,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for dredging of the Ashtabula River, Ohio:".

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

D'AMATO AMENDMENT NO. 442

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place in the bill insert the following:

"SEC. . (a) USE OF DEADLY FORCE.—The President shall report to the Committees on Armed Services and the Committees on the Judiciary of the Senate and House of Representatives, to the Senate International Narcotics Control Caucus, and to the Select Committee on Narcotics Abuse and Control of the House of Representatives on—

(1) all current provisions of law and regulation permitting the use of deadly force during time of peace by United States military personnel in the performance of their official duties—

(A) within the territorial land, sea, and air of the United States, its territories and possessions; and

(B) outside the territorial land, sea, and air of the United States, its territories and possessions.

(2) changes, if any, that may be necessary to existing law, regulations, treaty, or executive agreements to permit United States military personnel to employ deadly force under the following circumstances—

(A) to bring down a suspected drug smuggling aircraft which has refused or ignored instructions to land at a specified airfield for customs inspection after penetrating the territorial airspace of the United States;

(B) to halt a suspected drug smuggling vessel on the sea which has been ordered to heave to for inspection by a United States vessel or aircraft and has ignored or refused to obey the order;

(C) to halt a suspected drug smuggler who has crossed the land border of the United States illegally and who has refused to obey or ignored an order ot stop for customs inspection; and

(3) deadline for submission of the report. The required report shall be submitted not later than ninety days after the enactment into law of this Act. The required report may be submitted in both classified and unclassified versions.

WILSON (AND OTHERS) AMENDMENT NO. 443

Mr. WILSON (for himself, Mr. PELL, Mr. CHAFEE, Mr. PRESSLER, and Mr. CRANSTON) submitted an amendment intended to be proposed by him to the bill, S. 1352, supra, as follows:

At the end of part A of title XXVII insert the following:

SEC. 2812. FINANCIAL ASSISTANCE TO PUBLIC SCHOOL DISTRICTS AFFECTED BY MILITARY FAMILY HOUSING PROJECTS.

(a) IN GENERAL.—(1) Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2835. Assistance to public school districts affected by military family housing projects

"(a) PAYMENT OF ASSISTANCE.—If a project for the acquisition of family housing subject to this subchapter affects one or more

public school districts in the United States as described in subsection (b), the Secretary of the military department carrying out such project shall pay to the public school district or districts, as the case may be, the amount determined by multiplying the total number of square feet of the floor space of the family housing acquired in such project by $1.50, as adjusted under subsection (j).

"(b) SCHOOL DISTRICTS ELIGIBLE FOR PAYMENT.—A public school district is eligible to receive a payment under subsection (a) in connection with a family housing project only if such school district—

"(1) demonstrates to the Secretary concerned that—

"(A) the total number of students enrolled in public schools in such school district is likely to be substantially increased over the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are employed (or will be employed) on such project or live (or will live) in the family housing proposed to be acquired; and

"(B) such school district does not have sufficient financial resources or facilities to provide adequately for the educational needs of the increased number of students; and

"(2) such school district submits a plan for the use of the funds paid under this section in connection with such family housing project as provided in subsection (f).

"(c) ALLOCATION OF PAYMENT.—(1) In the event that a family housing project under this subchapter affects more than one public school district as described in subsection (b)(1)(A), the Secretary concerned shall allocate among such districts the total amount required to be paid under subsection (a).

"(2) The amount of the allocation of a public school district referred to in paragraph (1) shall be determined by multiplying the total amount to be paid under subsection (a) by the percentage determined by dividing—

"(A) the total number of students enrolled in public schools in such school district that exceeds the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are referred to in subsection (b)(1)(A), by

"(B) the total number of students enrolled in public schools in all school districts referred to in paragraph (1) that exceeds the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are referred to in subsection (b)(1)(A).

"(d) SOURCE OF FUNDS.—Amounts required to be paid under subsection (a) in connection with a family housing project carried out by the Secretary of a military department may be paid out of funds available to such department for military construction.

"(e) NOTICE OF FAMILY HOUSING PROJECT; ADDITIONAL INFORMATION.—(1) At the same time that a solicitation is issued in connection with the award of a construction contract under a family housing project referred to in subsection (a), the Secretary concerned shall transmit a written notice of the project to each school district in the United States that will be affected by such project as described in subsection (b)(1)(A). The notice shall contain the following information:

"(A) A written description of the proposed project, including the number of persons from outside the school district concerned who are expected to be employed on such project.

"(B) An estimate of the number of families that will occupy the family housing.

"(C) The estimated date of the award of the construction contract.

"(D) Any other information the Secretary considers appropriate.

"(2) The Secretary concerned shall furnish a public school district such information (in addition to the information furnished under paragraph (1)) as the school district may request for the purpose of facilitating preparation of documents necessary to meet the requirement set out in subsection (f).

"(f) PLAN.—Each school district receiving a notice of a family housing project pursuant to subsection (e)(1) shall submit to the Secretary concerned, before the date specified in the notice pursuant to subsection (e)(1)(C), a plan containing a discussion of how the funds paid to the school district under this section are to be used.

"(g) TIME FOR PAYMENT.—A payment required to be made to a public school district under subsection (a) in connection with a family housing project shall be made on the same date as the Secretary concerned makes the first payment to a contractor for the construction of such project.

"(h) USE OF FUNDS.—Funds received by a public school district under this section in connection with a family housing project may be used only for the construction or other acquisition of educational facilities for schools affected by such project (as determined pursuant to subsection (b)(1)(A)).

"(i) RELATIONSHIP TO OTHER SOURCES OF FUNDS.—(1) A public school district may use amounts received under this section only to supplement and, to the extent practicable, increase the level of funds that would, without regard to payments under this section, otherwise be made available to such school district from sources outside the Federal Government for the acquisition of educational facilities by such school district, and in no case may such amounts be used to supplant such funds.

"(2) The Secretary of Education shall take into consideration, for the purposes of determining the priority of a school district for assistance under the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and the amount of assistance to be paid to such school district under such Act, the amount of any payment made to such school district under this section. The Secretary of a military department shall furnish the Secretary of Education such information as may be necessary to carry out this paragraph.

"(j) ANNUAL ADJUSTMENT OF AMOUNT OF PAYMENT.—Effective on January 1 of each year, the rate per square foot paid under subsection (a) shall be increased by the percentage by which the Consumer Price Index (all items—United States city average) published for September of the preceding year by the Department of Commerce exceeds such index for September of the year before such preceding year.

"(k) CONSULTATION REQUIREMENT.—The Secretary of each military department shall consult with the Secretary of Education in carrying out this section.

"(l) DEFINITION.—In this section, the term 'acquisition', with respect to family housing or educational facilities, includes construction, leasing, addition, extension, expansion, alteration, and relocation of family housing or educational facilities, respectively.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2811 the following:

"2835. Assistance to public school districts affected by military family housing projects.".

"(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect with respect to family housing projects for which contract solicitations are issued on or after October 1, 1989.

(2) The first adjustment under section 2835(j) of title 10, United States Code (as added by subsection (a)) shall take effect on January 1, 1991, and shall be computed on the basis of a comparison of the Consumer Price Index (referred to in such section) (published for September 1990 with the Consumer Price Index published for September 1989.

ENERGY AND WATER RESOURCES APPROPRIATIONS—FISCAL YEAR 1990

McCAIN (AND OTHERS) AMENDMENT NO. 444

Mr. McCAIN (for himself, Mr. HATCH, Mr. NICKLES, Mr. GORTON, Mr. THURMOND, Mr. WILSON, Mr. D'AMATO, and Mr. WARNER) proposed an amendment to the bill H.R. 2696, supra, as follows:

At the end of the bill add the following:

SEC. . 1 YEAR DELAY IN MEDICARE CATASTROPHIC PROVISIONS.

(a) It is the purpose of this Act—

(1) to provide Medicare beneficiaries with protection from the financial ravages of an illness that results in a long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(2) to provide Medicare beneficiaries with protection from what is commonly referred to as spousal impoverishment—the near total liquidation of a couple's assets in order to meet the income eligibility requirement for long-term care benefits through the Medicaid Program—by permitting the spouse who is not in need of long-term care services to retain a certain level of assets and/or income (provided for in the Medicare Catastrophic Coverage Act of 1988, to be phased-in—beginning in September 1989);

(3) to permit a nominal, flat, increase in Medicare premiums in order to pay for the long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(4) to delay, for a year, implementation of all other benefits provided for in the Medicare Catastrophic Coverage Act of 1988;

(5) to delay, for a year, implementation of the supplemental premium provided for in the Medicare Catastrophic Coverage Act of 1988;

(6) It is the sense of the Senate that the Senate Finance Committee shall study both the benefits, financing and mandatory nature of the Medicare Catastrophic Coverage Act of 1988.

Specifically, it is the sense of the Senate that the Senate Finance Committee shall study among other things the Act's financing mechanism. And, taking into consideration the analysis of the Congressional Budget Office, the Office of Management and Budget and any other relevant studies and cost estimates in relation to the benefits hereby delayed, shall determine the appropriateness of both;

(7) It is further the sense of the Senate that, by January 1, 1991, the Senate shall have taken the appropriate steps to reduce the supplemental premium if it finds, after studying the above mentioned analysis, that the total amount of premiums being collected under the Act are greater than the amount needed to cover the costs of the coverage provided by the Act.

(b) Section 1833(c) of the Social Security Act (42 U.S.C. 13951(c)), as inserted by section 201(a) of the Medicare Catastrophic Coverage Act of 1988, is amended—

(1) in paragraph (1), by striking "1990" and inserting "1991";

(2) in paragraph (3), by striking "1990" each place it appears and inserting "1991"; and

(3) in paragraph (3)(A)—

(A) by striking the first sentence,

(B) in the second sentence, by striking "succeeding year" the first place it appears and inserting "year (beginning with 1991)", and

(C) in the second sentence, by striking "succeeding" the second place it appears.

(c) Paragraph (4)(B) of section 1861(t) of the Social Security Act, as added by section 202(a)(2)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(d) Section 1834(c) of the Social Security Act, as added by section 202(b)(4) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (1)(C)(i), by striking subclause (I) and (II) and inserting the following:

"(I) 1991 is $600,

"(II) 1992 is $652, and";

(2) in paragraph (1)(C)(i) by striking subclause (III) and redesigning subclause (IV) as subclause (III);

(3) in paragraph (1)(C)(iii), by striking "1992" and inserting "1993";

(4) in paragraph (2)(C)(ii), by striking "1990", "1991", "1992", and "1993" and inserting "1991", "1992", "1993", and "1994", respectively;

(5) in paragraph (3)(A), by striking "1992" and inserting "1993";

(6) in paragraph (3)(C)(i), by striking "1990" and inserting "1991";

(7) in paragraph (4)(A)(i), by striking "1990 or 1991" and inserting "1991 or 1992";

(8) in paragraph (7)(B), by striking "1991" and inserting "1992";

(9) in paragraph (8)(A), by striking "6 years" and inserting "7 years"; and

(10) in subparagraphs (B), (C), (D), and (F) of paragraph (8), by striking "1989", "1990", "1991", "1992", "1993" and "1994" and inserting "1990", "1991", "1992", "1993", "1994", and "1995", respectively.

(e) Paragraphs (1) and (4) of section 1842(o) of the Social Security Act, as added by section 202(c)(1)(C) of the Medicare Catastrophic Coverage Act, are each amended by striking "1991" and inserting "1992".

(f) Section 202(e)(4)(B) of the Medicare Catastrophic Coverage Act is amended by striking "1993" and inserting "1994".

(g) Section 202(i)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989, 1990, 1991, 1992, and 1993" and inserting "1990, 1991, 1992, 1993, and 1994", respectively.

(h) Section 202(l)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989" and "1990" and inserting "1990" and "1991", respectively.

(i) Section 202(m) of the Medicare Catastrophic Coverage Act is amended by striking "1989", "1990", and "1991", and "1992", respectively.

(j) Section 1834(d)(2) of the Social Security Act, as added by section 203(c)(1)(F) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(k) Section 203(c)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1991", and inserting "1992".

(l) Section 1835(a)(2)(G) of the Social Security Act, as inserted by section 203(d)(1)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(m) Section 1154(a)(16) of the Social Security Act, amended by section 203(d)(2) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(n) Section 203(g) of the Medicare Catastrophic Coverage Act is amended by striking "1990", and inserting "1991".

(o) Section 1834(e) of the Social Security Act, as added by section 204(b)(2) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (2)(B)(ii), by striking "1992" and inserting "1993".

(2) in paragraph (4)(A)(i), by striking "1990" and inserting "1991".

(3) in paragraph (4)(B), by striking "1991" and inserting "1992", and

(4) in paragraph (5), by striking "1990" and "1991" each place each appears and inserting "1991" and "1992", respectively.

(p) Section 204(3) of the Medicare Catastrophic Coverage Act is amended by striking "1990", and inserting "1991".

(q) Section 205(f) of the Medicare Catastrophic Coverage Act is amended by striking "1990", and inserting "1991".

(r) Section 206(b) of the Medicare Catastrophic Coverage Act is amended by striking "1990", and inserting "1991".

(s) Section 111 of the Medicare Catastrophic Coverage Act is amended by moving all dates in this section forward one year.

(t) Section 112(b) of the Medicare Catastrophic Coverage Act by striking "1990" and "1989" and inserting "1991" and "1990", respectively.

(u) Section 1839(g) of the Social Security Act, as added by section 211(a) of the Medicare Catastrophic Coverage Act, is amended—

(v) Section 1841A of the Social Security Act, as inserted by section 212(a) of the Medicare Catastrophic Coverage Act, is amended—

(1) in subsection (c), by striking "1990" and inserting "1991", and

(2) in subsection (d), by striking "1992" each place it appears and inserting "1993".

(w) Section 1840(i) of the Social Security Act, as added by section 212(b)(1) of the Medicare Catastrophic Coverage Act, is amended by striking "1" after "(i)" and by adding at the end of the following new paragraph:

"(2)(A) Notwithstanding the previous provisions of this subsection but subject to subparagraph (B), premiums collected under this part which are attributable to subsection (g) of any month in 1989 shall, instead of being transferred to (or deposited to the credit) of the Federal Supplementary Insurance Trust Fund, be transferred to (or deposited to the credit of) the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A).

"(B) The total amount of the transfers or deposits made under subparagraph (A) shall not exceed the Secretary's estimate of the total amount of additional expenditures made under part A which are attributable to benefits during 1989 and which would not have been made but for the amendments made by the Medicare Catastrophic Coverage Act of 1988.".

(x) Section 1841B(c) of the Social Security Act, as inserted by section 213 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "(1991)".

(bb) Section 412 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "(1991)".

BUMPERS (AND OTHERS) AMENDMENT NO. 445

Mr. BUMPERS (for himself, Mr. McCLURE, Mr. GLENN, Mr. HATFIELD, Mr. ADAMS, and Mr. HARKIN) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 43, line 6, after the word "University", add the following: "; and of which $3,300,000 shall be available only for the Reduced Enrichment in Research and Test Reactors program and not for program termination activities.".

NATIONAL DEFENSE AUTHORIZATION ACT FISCAL YEARS 1990 AND 1991

HEINZ AMENDMENT NO. 446

(Ordered to lie on the table.)

Mr. HEINZ submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 247, below line 24, insert the following:

SEC. 836. PROCUREMENT FROM COUNTRIES THAT DENY ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

It is the sense of Congress that the Department of Defense should not procure property, services, or technology from—

(1) any person of any country which has been identified pursuant to section 182(a)(2) of the Trade Act of 1974 (19 U.S.C. 2242) as denying adequate and effective protection of intellectual property rights or fair and equitable market access to United States persons that rely upon intellectual property protection; or

(2) any person of any other country that denies adequate and effective protection of intellectual property rights, as determined by the Secretary of Defense on the advice of the U.S. Trade Representative; or

(3) any person who misappropriates United States intellectual property.

GORE (AND McCAIN) AMENDMENT NO. 447

(Ordered to lie on the table.)

Mr. GORE (for himself and Mr. McCAIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

At the appropriate place insert the following:

SEC. 1. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strenghten the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) MULTILATERAL DIPLOMACY.—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) UNILATERAL ACTIONS.—The United States retains the right to and should take unilateral actions to pursue the objectives in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 2. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) DETERMINATION BY THE PRESIDENT.—Whenever there is reliable evidence, as determined by the President—

(1) that a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(2) that a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(3) that a less developed state or entity—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction,

then, subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b).

(b) SANCTIONS.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Governmemt.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B) shall apply, but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) Prohibiting the importation into the United States of any product or service of such foreign person.

(D) In the case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B) shall apply, but only with respect to MTCR items.

(3) The President shall take appropriate steps to dissuade less developed states or entities from developing and deploying destabilizing offensive missiles. Whenever the President determines that such missiles can be used by as non-MTCR country to deliver weapons of mass destruction, one or more of the following sanctions shall be applied to a state or entity under subsection (a):

(A) Denying or reducing all technical assistance relative to, and denying transfer of all or selected technology in, aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(B) Prohibiting the importation into the United States of all or selected items of aviation, electronic, missile, or space systems or equipment.

(4) Sanctions shall be imposed under this section for a period of not less than 2 years and not more than 5 years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regulations referred to in subsection (a)(1)(A) and such foreign person is a national of such country, or in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

(e) EFFECTIVE DATE.—The provisions of this section shall take effect 6 months after the date of enactment of this bill.

SEC. 3. REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) REPORTS.—Not later than 90 days after the date of enactment of this subsection, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives and the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report described in subsection (b).

(b) CONTENTS OF REPORT.—Each report referred to in subsection (a) shall detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapons, together with an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under this section shall include an assessment of whether and to what degree any Communist-bloc country has aided or abetted any foreign country in its efforts to acquire weapons systems, material, and technology described in paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Such report shall also include an assessment as to whether any company listed in paragraph (3)(A) or (3)(B) aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each report under this subsection shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) INTERPRETATION.—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters,

modifies, or supersedes any of the authorities contained therein; or

(2) shall be construed as requiring the President to disclose any information which, in his judgement, would seriously—

(A) jeopardizes the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outline in section 2; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 4. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that is not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense.".

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the term "United States person" means "United States person" as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(2) the term "foreign person" means any person other than a United States person;

(3) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and includes the singular and plural of such natural persons and entities, and any successors of such entities;

(4) in the case of Communist-bloc countries, where it may be impossible to identify a specific governmental entity, "person" shall means all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime, plus all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment;

(5) the term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred;

(6) the term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987; and

(7) the term "less developed states" does not include any member of the political organs of NATO, any member of the Warsaw Treaty Organization, Austria, Australia, Israel, Japan, New Zealand, or Switzerland.

SEC. 6. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

DECONCINI AMENDMENT NO. 448

(Ordered to lie on the table.)

Mr. DECONCINI proposed an amendment to the bill S. 1352, supra, as follows:

On page 362, line 15, strike out "174,609,000" and insert in lieu thereof "175,109,000".

BOSCHWITZ AMENDMENT NO. 449

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill, S. 1352, supra, as follows:

On page 394, below line 23, insert the following:

SEC. 2830. RELEASE OF REVERSIONARY INTEREST, HENNEPIN COUNTY, MINNESOTA.

(a) RELEASE.—Subject to subsections (b) through (d), the Secretary of the Army shall (1) release to the State of Minnesota the reversionary interest of the United States in and to a parcel of land in Hennepin County, Minnesota, containing approximately 35.38 acres of land and known as "Area J," which was conveyed by the United States to the State of Minnesota by quitclaim deed dated August 17, 1971, and (2) release the State of Minnesota from all covenants and agreements contained in such quitclaim deed that relate to such parcel of land.

(b) CONDITION OF RELEASE.—(1) The releases required by subsection (a) shall be subject to the condition that the State of Minnesota convey to the United States, without consideration, a parcel of land containing approximately 35.38 acres for use by the Department of the Army.

(2) The Secretary of the Army may permit the State of Minnesota to retain a reversionary interest in the property pursuant to paragraph (1) that provides for the reversion of all right, title, and interest in and to such property (including improvements thereon) in the event that the Secretary ceases to use the property for Department of the Army purposes or fails to preserve historic structures on the property in conformity with the Department of Interior standards that apply to the preservation of properties listed on the National Register of Historic Places.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcel of land described in subsection (a) and the property conveyed pursuant to subsection (b) shall be determined by surveys which are satisfactory to the Secretary of the Army and the State of Minnesota. The cost of such surveys shall be borne by the State of Minnesota.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions as he considers appropriate to protect the interests of the United States.

(e) DEED AMENDMENT.—The Secretary of the Army may execute and record such documents as he determines necessary and appropriate to carry out the provisions of this section.

CONRAD AMENDMENT NO. 450

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 1352, supra, as follows:

On page 247, below line 24, insert the following:

SEC. 836. CREDIT FOR NATIVE AMERICAN CONTRACTING IN MEETING CERTAIN MINORITY CONTRACTING GOALS.

(a) REGULATIONS.—(1) Pursuant to regulations which the Secretary of Defense shall prescribe and subject to subsections (b) and (c)—

(A) credit toward meeting the goal specified for a fiscal year in section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) shall be given for each contract or subcontract described in paragraph (2) that is to be performed in such fiscal year; and

(B) credit toward meeting a goal for the utilization of a small business concern owned and controlled by socially and economically disadvantaged individuals for the purposes of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given for each subcontract described in paragraph (2) that is to be performed in such fiscal year.

(2) A contract or subcontract referred to in paragraph (1) is any contract or subcontract that—

(A) is to be performed on any Native American trust land and meets the requirements of paragraph (1) of subsection (b); or

(B) is undertaken by a joint venture that meets the requirements of paragraph (2) of that subsection.

(b) ELIGIBLE CONTRACTS, SUBCONTRACTS, AND JOINT VENTURES.—(1) A contract or subcontract to be performed on Native American trust land meets the requirements of this paragraph if—

(A) not less than 40 percent of the workers directly engaged in the performance of the contract or subcontract on the trust land are Native Americans; and

(B) the contractor or subcontractor has a management plan which—

(i) provides for Native Americans to manage the workforce and, in the case of a contract or subcontract for the construction of facilities, provides for Native Americans to have an ownership interest in any facilities constructed pursuant to the contract or subcontract; and

(ii) is approved by the tribal government having jurisdiction over such trust land.

(2) A joint venture undertaking to perform a contract or subcontract meets the requirements of this paragraph if—

(A) a tribe or tribally-owned corporation owns at least 50 percent of the joint venture;

(B) the activities of the joint venture under the contract or subcontract provide employment opportunities for Native Americans either directly or through the purchase of products or services for the performance of such contract or subcontract; and

(C) the tribe or tribally-owned corporation manages the performance of such contract or subcontract.

(c) EXTENT OF CREDIT.—(1) Credit under subsection (a) shall be given for a contract or subcontract to the extent of the percentage of the dollar value of the contract or subcontract designated by the contractor or subcontractor.

(2) The maximum percentage that may be designated by a contractor or subcontractor—

(A) in the case of a contract or subcontract to be performed on Native American trust land, is the percentage equal to one-half of the ratio that the number of Native Americans performing work under the contract or subcontract on the trust land bears to the total number of workers performing such work; and

(B) in the case of a contract or subcontract undertaken by a joint venture referred to in subsection (a)(2), is the percentage of the tribe's or tribally-owned corporation's ownership interest in the joint venture.

(d) DEFINITIONS.—In this section:

(1) The term "Native American trust land" means any land that—

(A) is held in trust by the United States for Native Americans;

(B) is subject to restrictions on alienation imposed by the United States on Indian lands;

(C) is owned by a Regional Corporation or a village corporation, as such terms are defined in seciton 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

(D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary of Veterans Affairs.

(2) The term "Native American" means—

(A) an Indian, as defined in section 4(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(a));

(B) a Native Hawaiian, as defined in section 8 of the Native Hawaiian Health Care Act of 1988 (Public Law 100-579; 102 Stat. 2921);

(C) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SIMON (AND DOMENICI) AMENDMENT NO. 451

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 73, below line 22, insert the following:

SEC. 333. NOTICE TO LOCAL AND STATE EDUCATIONAL AGENCIES OF ENROLLMENT CHANGES DUE TO BASE CLOSURES AND REALIGNMENTS.

(a) NOTICE REQUIRED.—Not later than January 1 of each year in which any activities necessary to close or realign a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627) are conducted, the Secretary, in consultation with the Secretary of Education, shall—

(1) to the extent practicable, identify each local educational agency that will experience at least a 5 percent increase or at least a 10 percent reduction in the number of minor dependents of members of the Armed Forces and minor dependents of civilian employees of the Department of Defense enrolled in schools under the jurisdiction of such agency during the next academic year (compared with the number of such dependents enrolled in such schools during the preceding year) as a result of the closure or realignment of a military installation under that Act; and

(2) not later than 30 days after identifying such local educational agency, transmit a written notice of the schedule for the closure or realignment of that military installation to such local educational agency and to the State government education agency responsible for administering State government education programs involving that local educational agency.

KERRY AMENDMENT NO. 452

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 240, strike section 831.

METZENBAUM AMENDMENT NO. 453

(Ordered to lie on the table.)

Mr. METZENBAUM submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the end of Title 3, add the following new section:

"SEC. . DEFENSE CONTRACT AUDITORS.

"The Secretary of Defense, not later than September 30, 1990, shall increase the number of full-time personnel employed by the Defense Contract Audit Agency to 7,457, of which not less than 6,488 shall be auditors.".

McCLURE AMENDMENT NOS. 454 THROUGH 456

(Ordered to lie on the table.)

Mr. McCLURE submitted three amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 454

On page 454, between lines 3 and 4, insert the following new subsection:

(c) LIMITATION ON DISPOSAL OF SILVER.—Any disposition of silver under the authority of this section may be made only to the Bureau of the Mint of the Treasury Department for the purpose of minting coins pursuant to subchapter 2 of chapter 51 of title 31, United States Code.

AMENDMENT NO. 455

On page 454, in the table above line 1, strike out the item relating to silver.

AMENDMENT NO. 456

On page 38, line 20, insert "(1)" before "Section".

On page 40, between lines 5 and 6, insert the following new paragraph:

(2) Section 2361 of title 10, United States Code, as amended, shall not apply to those projects included under the National Defense Stockpile Transaction Fund Account in Public Law 100-440.

GLENN AMENDMENT NOS. 457 AND 458

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 457

On page 248, line 2, strike out all through line 12 on page 258.

AMENDMENT NO. 458

On page 259, line 12, strike out all through line 18 on page 260.

GLENN (AND LEVIN) AMENDMENT NO. 459

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra; as follows:

On page 260, line 19, strike out all through line 11 on page 266 and insert in lieu thereof the following:

SEC. 844. POST-EMPLOYMENT RESTRICTIONS.

(a) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(1) in subsection (a)(1) by inserting before the semicolon a comma and "except as provided under the provisions of subsection (c)";

(2) in subsection (b)(1) by inserting before the semicolon a comma and "except as provided under the provisions of subsection (c)"; and

(3)(A) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(B) by redesignating subsections (j) through (n) (as designated before the date of the enactment of this section) as subsections (l) through (p), respectively;

(C) by inserting after subsection (b) the following new subsection:

"(c) RECUSAL.—(1) A procurement official and a competing contractor may engage in discussions of future employment or business opportunity otherwise prohibited by this section if, prior to engaging in such discussions or immediately after an initial contact for the limited purpose of determining whether the procurement official is subject to the requirements of this section and is interested in pursuing such discussions—

"(A) the procurement official provides his supervisor with a formal written notice of intent to disqualify himself from all participation in the performance of procurement functions relating to contracts of the competing contractor for any period during which future employment opportunities for such procurement official have not been rejected by either the procurement official or the competing contractor and a reasonable period thereafter as determined by the designated agency ethics official; and

"(B) the supervisor of the procurement official, after consultation with the designated agency ethics official and the contracting officer on any relevant contract, approves in writing the recusal of the procurement official.

"(2) A procurement official shall promptly report any initial contact with a competing contractor under this subsection to the supervisor of the official.";

(4) in subsection (f) (as redesignated by subsection (a)(3) of this section)—

(A) in the first sentence by inserting "knowingly" after "such procurement shall";

(B) in paragraph (1) by striking out "or" at the end thereof;

(C) by amending paragraph (2) to read as follows:

"(2) participate personally and substantially in the performance of such contract on behalf of the contractor, or"; and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) participate personally and substantially in the performance of a subcontract of such a contract on behalf of any subcontractor under such a contractor, if—

"(A) the price of such subcontract is in excess of $5,000,000 or 5 percent of the contract price, whichever is less; or

"(B) the procurement official personally reviewed or approved the award of such subcontract,"; and

(5) by inserting after subsection (j) (as redesignated in subsection (a)(3)(A) of this section) the following new subsection:

"(k) ETHICS ADVICE. —(1) An employee or former employee of an agency may request advice from the appropriate designated agency ethics official as to whether such employee or former employee is precluded by this section from participating in the performance of a particular contract on behalf of a particular contractor or subcontractor.

"(2) An employee or former employee of an agency who requests advice from a designated agency ethics official pursuant to paragraph (1) shall provide the official with all information reasonably available to the employee or former employee that is relevant to a determination by the ethics official regarding such request.

"(3) Not later than 30 days after the date on which a designated agency ethics official receives a request for advice under paragraph (1) accompanied by the information required pursuant to paragraph (2), the official shall issue a written opinion as to whether the employee is precluded by this section from participating in the performance of the contract at issue.

"(4) An employee or former employee of an agency who obtains a written opinion from a designated agency ethics official under this section on the basis of the complete disclosure of information required by paragraph (2) shall not be subject to any penalty under this section to the extent that the employee or former employee reasonably relies upon such opinion.".

(b) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is further amended—

(1) in subsection (e) (as redesignated by subsection (a)(3) of this section)—

(A) in paragraph (1)(A)(i) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(B) in paragraph (1)(B)(ii) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(C) in paragraph (2)(A) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(D) in paragraph (3)(A) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)"; and

(E) in paragraph (7)(B)(ii) by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)";

(2) in subsection (g) (as redesignated by subsection (a)(3) of this section) by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)";

(3) in subsection (h) (as redesignated by subsection (a)(3) of his section)—

(A) in paragraph (1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)";

(B) in paragraph (2) by striking out "(b) or (c)" and inserting in lieu thereof "(b) or (d)"; and

(C) in paragraph (3) by striking out "(h) and (i)" and inserting in lieu thereof "(i) and (j)";

(4) in subsection (i) (as redesignated by subsection (a)(3) of this section) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(5) in subjection (j)(1) (as redesignated by subsection (a)(3) of this section)—

(A) by striking out "subsection (n)" and inserting in lieu thereof "subsection (p)"; and

(B) by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)" and

(6) in subsection (l) (as redesignated by subsection (a)(3)(B) of this section)—

(A) in paragraph (1) by striking out "subsection (b)" and inserting in lieu thereof "subsections (b), (c), and (k); and

(B) in paragraph (2)—

(i) by striking out "subsection (b)" and inserting in lieu thereof "subsections (b), (c), and (k)"; and

(ii) by striking out "(c) or (e)" and inserting in lieu thereof "(d), or (f)".

(c) Section 2397a(a)(6) of title 10 United States Code, is amended to read as follows:

"(6) The term 'procurement function' includes, with respect to a contract, any function relating to—

"(A) the administation of the contract;

"(B) the approval of changes in the contract;

"(C) quality assurance, operational and developmental testing, the approval of payment, or auditing under the contract; or

"(D) the management of the procurement program.".

(d) No later than 90 days after the date of the enactment of this section, the Federal Acquisition Regulatory Council shall prescribe regulations implementing the amendments made by this section to the provisions of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).

GLENN AMENDMENT NOS. 460 THROUGH 464

(Ordered to lie on the table.)

Mr. GLENN submitted five amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 460

On page 266, line 12, strike out all through the matter before line 4 on page 267.

AMENDMENT NO. 461

On page 444, line 3, strike out all through line 3 on page 448.

On page 448, line 4, strike out "3143" and insert in lieu thereof "3142".

On page 449, line 13, strike out "3144" and insert in lieu thereof "3143".

On page 444, line 3, strike out all through line 3 on page 448.

On page 448, line 4, strike out "3143" and insert in lieu thereof "3142.'".

On page 449, line 13, strike out "3144" and insert in lieu thereof "3143".

AMENDMENT NO. 462

On page 450, betwen lines 13 and 14, insert the following:

SEC. 3145. CLOSURES OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES.

Notwithstanding any other provision of law, the Secretary of Energy is not required—

(1) to cease production at the Feed Materials Production Center (FMPC), Fernald, Ohio, at the end of fiscal year 1990;

(2) to initiate or complete a transition from the manufacture of depleted uranium metal at such center to acquisition from domestic commercial producers on a competitive basis beginning in fiscal year 1990; or

(3) to submit an implementation plan for such transition.

AMENDMENT NO. 463

On page 450, between lines 13 and 14, insert the following:

SEC. 3145. REPORTS IN CONNECTION WITH CLOSURES OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES.

(a) TRAINING AND JOB PLACEMENT SERVICES PLAN.—Not later than 90 days before a Department of Energy defense nuclear facility (as defined in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g)) is closed, the Secretary of Energy must submit to Congress a report containing a discussion of how the Secretary plans to guarantee that employees at such facility are furnished training and job placement services necessary to enable the employees to seek employment in the remediation and cleanup effort at the facility upon the closure of such facility.

(b) CLOSURE REPORT.—Upon closing any Department of Energy defense nuclear facility, the Secretary of Energy shall submit to Congress a report containing—

(1) a complete survey of environmental problems at the facility;

(2) budget quality data indicating the cost of returning the facility to an environmentally safe multi-use condition; and

(3) a discussion of the cost of environmental cleanup at the facility and the proposed schedule for the cleanup.

AMENDMENT NO. 464

At the end of title IX of the bill, add the following new section:

SEC. 917. REPORTS ON THE MANPOWER REQUIRED TO CONTROL THE TRANSFER OF MISSILE TECHNOLOGY AND CERTAIN WEAPONS.

(a) AMENDMENT TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989.—Section 901(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989, is amended by striking out "February 1, 1988," and inserting in lieu thereof "60 days after the date of enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991,".

(b) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—(1) Not later than February 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) identifying the role of the Department of Defense in implementing export controls on nuclear, chemical, and biological weapons;

(B) describing the number and skills of personnel currently available in the Department of Defense to perform this role; and

(C) assessing the adequacy of these resources for the effective performance of this role.

(2) The report required by paragraph (1) shall identify the total number of current Department of Defense full-time employees or military personnel and the grades of such personnel, required to carry out each of the following activities of the Department in implementing export controls on nuclear, chemical, and biological weapons:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.
(D) International liaison activity.
(E) Technology security operations.
(F) Technical review.

(3) The report shall include the Secretary's assessment of the adequacy of staffing in each of the categories specified in subparagraphs (A) through (F) of paragraph (2) and shall make recommendations concerning measures, including legislation if necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on nuclear, chemical, and biological weapons.

HEFLIN AMENDMENT NO. 465

(Ordered to lie on the table.)

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place in the bill, add the following section:

SEC. . SENSE OF THE CONGRESS WITH RESPECT TO ACCIDENTAL LAUNCH PROTECTION.

The Strategic Defense Initiative (SDI) has made substantial progress in developing technologies to defend the United States from a possible ballistic missile attack, be it deliberate or accidential;

Technological advances in interceptors, sensors, and command, control and communications have been achieved and key elements of the SDI program have recently been combined to form the basic architecture for a possible Phase I defense system to defend the United States against ballistic missile attack;

The Soviet Union maintains the world's only operational ballistic missile defense system and has deployed such a system in the Moscow area;

There exists significant asymmetries in United States and Soviet anti-ballistic missile (ABM) production and capabilities and the ability of the United States to counter a Soviet deployment of a nationwide or more limited ABM system;

Ground-based elements and their associated adjuncts and technologies represent the most mature technologies within the SDI program and should therefore receive priority by the Strategic Defense Initiative Organization;

The United States is a signatory to the 1972 Anti-Ballistic Missile Treaty;

There have been several accidents involving ballistic missiles, including the loss of a submarine of the Soviet Union due to inadvertent missile ignition and the inadvertent landing in China of a test missile of the Soviet Union; and

The continued proliferation of offensive ballistic missile forces by non-superpower countries hostile to the United States and our allies raises the possibility of future nuclear threats;

It is the sense of Congress—

(1) that the Secretary of Defense should direct the Strategic Defense Initiative Organization to give priority to the development of technologies and systems for a system capable of protecting the United States from the accidental launch of a strategic ballistic missile against the continental United States;

(2) that such development of an accidental launch protection system should be carried out with an objective of ensuring that such system is in compliance with the 1972 Anti-Ballistic Missile Treaty; and

(3) that the Secretary of Defense should submit to Congress forthwith the report on the status of planning for development of a deployment option for such an accidental launch protection system as required by section 224(c) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1943)."

LOTT AMENDMENT NO. 466

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. REPORT ON SERVING CATFISH IN MILITARY DINING FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the desirability and feasibility of adding catfish to the menus of dining facilities of the Armed Forces in the United States and overseas.

(b) CONSIDERATIONS.—In determining the desirability of adding catfish to the menus of such dining facilities, the Secretary shall consider the increasing popularity of catfish as food and the nutritional value of catfish.

KERRY AMENDMENT NO. 467

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

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

SEC. . DRUG WAR FUNDING.—Of the unobligated balances in the Department of Defense accounts authorized under this Act at the end of fiscal year 1989, make $1,700,000,000 available for transfer to fully fund Public Law 100-690, the Anti-Drug Abuse Act of 1988 in fiscal year 1990.

WALLOP AMENDMENT NO. 468

(Ordered to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

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

It is the sense of the Congress that the decision on the decontrol of certain personal computers announced on July 18, 1989, by the Secretary of Commerce should be suspended for sixty days to allow for the completion of an interagency review involving the Secretary of Defense, the Director of Central Intelligence, and the President's Science Advisor of the foreign availability assessment conducted by the Department of Commerce supporting such decision.

KENNEDY AMENDMENT NO. 469

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 448, strike SEC. 3143 and add the following new section:

SEC. . NUCLEAR TEST BAN READINESS PROGRAM.

Section 1436 of National Defense Authorization Act, Fiscal Year 1989 (public Law 100-456; 102 Stat. 2075; 42 U.S.C. 2121 is amended in subsection (c), by adding the following new paragraph—

"(4) to explore the feasibility of alterations in existing nuclear weapon stockpile designs that would facilitate their future adaptation to new delivery systems deployed under a low-threshold or comprehensive test ban agreement."

KENNEDY (AND OTHERS) AMENDMENT NO. 470

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. WIRTH, and Mr. ADAMS) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

At the end of title IX, add the following new section:

SEC. . TECHNICAL ASPECTS OF NUCLEAR WARHEAD DISMANTLEMENT AND FISSILE MATERIAL MONITORING.

(a) IN GENERAL.—The Congress urges the President to seek the establishment of a joint United States-Soviet working group of technical experts to examine—

(1) technical aspects of United States-Soviet nuclear warhead dismantlement as a potential means of assuring future nuclear arms reductions, and

(2) on-site monitoring techniques and inspection arrangements which might be employed in conjunction with national technical means to verify compliance with an international cutoff in the production of fissile materials for nuclear weapons purposes in the event that such an agreement is negotiated in the future.

(b) REPORT.—The President shall prepare a report for the Congress on—

(1) the technical aspects of United States-Soviet nuclear warhead dismantlement as a means of assuring future nuclear arms reductions, and

(2) the full range of on-site monitoring techniques and inspection arrangements that might be employed in conjunction with national technical means to verify compliance with an international cutoff in the production of fissile materials for nuclear weapons purposes in the event that such an agreement is negotiated in the future.

(c) PREPARATION AND SUBMISSION OF REPORT.—The report shall be submitted in both classified and unclassified form to the Committees on Armed Services of the Senate and the House of Representatives no later than April 30, 1990. In order to prepare this report, the President shall establish a United States technical working group on nuclear warhead dismantlement and monitoring of fissile material production.

KENNEDY (AND OTHERS) AMENDMENT NO. 471

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. GLENN, and Mr. WIRTH) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 414, line 11, insert ", including site preparation," after "construction".

COHEN AMENDMENT NO. 472

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At an appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE ON PROCUREMENT OF B-2 AIRCRAFT.

(a) FINDINGS.—The Senate makes the following findings:

(1) Over the past decade the United States has devoted significant resources to the strategic bomber force, including significant upgrades to B-52 bombers, and the research, development, and procurement of B-1 bombers and air-launched cruise missiles.

(2) Of the $167 billion (then-year dollars) appropriated from fiscal years 1980 and 1989 for research and development of and investment in strategic offensive and defensive forces, nearly one-half (46 percent) has been devoted to the strategic bomber force.

(3) The current five-year defense plan presumes that a similar share of the total spending for research and development of and investment in strategic offensive and defensive forces will be devoted to the strategic bomber force.

(4) The Department of Defense currently estimates that the acquisition cost for a force of 132 B-2 aircraft will be $70.2 billion (then-year dollars), and this estimate is premised on several assumptions, including the achievement of cost-reduction initiatives, not all of which have been contracted for yet.

(5) The lifecycle costs for a force of 132 B-2 aircraft would be significantly higher than this acquisition cost estimate of $70.2 billion (then-year dollars).

(6) Congress has approved funds for the low-rate initial production of B-2 aircraft, but has not yet decided whether to provide funds for the procurement of an operational force of B-2 aircraft.

(7) If, in the future, the United States makes a decision to acquire an operational force of B-2 aircraft, the funds available for other military programs will necessarily be reduced.

(8) Fiscal year 1990 will constitute the fifth consecutive year of real decline in the amount appropriated for budget function 050 (National Security);

(9) Efforts to reduce the Federal budget deficit, which are imperative for the economic well-being of the United States, will continue for the foreseeable future to require limits on all discretionary Federal spending, including defense spending.

(10) The constraints on the defense budget makes it essential that the Nation's defense priorities be carefully anlayzed so as to properly fund the Armed Forces, including the various elements of the Nation's strategic forces.

(b) SENSE OF THE SENATE.—In light of the findings in subsection (a), it is the sense of the Senate that:

(1) It is not prudent or possible at the present time to commit to the procurement of an operational force of B-2 aircraft.

(2) The contingent authorization of funds in this Act for the low-rate initial production of the B-2 aircraft does not constitute a commitment or express an intent by the Senate to support the procurement of an operational force of B-2 aircraft, to provide funding for rate production for the B-2, or to approve a multiyear procurement.

(3) Prior to making a commitment to procure an operational force of B-2 aircraft, the Congress and the President should carefully consider the feasibility and desirability of:

(A) structuring the strategic bomber force in such a manner that primary reliance would be placed upon bombers carrying cruise-missiles rather than bombers having strictly a penetrating role;

(B) pursuing options for the procurement of significantly fewer than 132 B-2 aircraft, in the event that a decision is made in the future to procure an operational force of B-2 aircraft, in order to reduce the total acquisition and lifecycle cost of the B-2 program.

COHEN (AND LEVIN) AMENDMENT NO. 473

(Ordered to lie on the table.)

Mr. COHEN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 219, line 18, strike out "3-year period" and insert in lieu thereof "2-year period".

On page 220, line 7, strike out "30 percent" and insert in lieu thereof "20 percent".

On page 220, line 15, strike out "3-year period" and insert in lieu thereof "2-year period".

DOMENICI (AND BINGAMAN) AMENDMENT NO. 474

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

Strike all of part C of title XXXI of division C (page 421, line 1 through page 443, line 5) and insert in lieu thereof the following:

"PART C—DEFENSE ENERGY TECHNOLOGY TRANSFER

"SECTION 1. This Act may be referred to as the 'Department of Energy National Competitiveness Technology Transfer Act of 1989'.

"FINDINGS AND PURPOSE

"SEC. 2. "(a) FINDINGS.—Congress finds that:

"(1) technology advancement is a key component in the growth of the United States industrial economy, and a strong industrial base is an essential element of the security of this;

"(2) there is a need to enhance United States competitiveness in both domestic and international markets;

"(3) innovation and the rapid application of new technology are assuming a more significant role in near-term marketplace success;

"(4) the Department of Energy's laboratories and other facilities have outstanding capabilities in a variety of advanced technologies and skilled scientists, engineers, and technicians who could contribute substantially to the posture of United States industry in international competition;

"(5) improved opportunities for cooperative arrangements between certain Department of Energy facilities and the U.S. private sector, consistent with the program missions at those facilities, particularly the national security functions involved in atomic energy defense activities, would contribute to our national well-being; and

"(6) more effective cooperation between those Department of Energy facilities and the private sector is required to provide speed and certainty in the technology transfer process.

"(b) PURPOSES.—The purposes of this Act are to—

"(1) enhance United States national security by establishing a national competitiveness mission for certain Department of Energy facilities in order to provide opportunities to utilize the technologies and capabilities residing in those facilities for the United States to enhance its competitiveness; and

"(2) enhance collaboration between universities, the private sector, and facilities of the Department of Energy so as to foster the development of technologies in areas of significant economic potential.

SEC. 3. DEFINITIONS.—For purposes of this Act, the term—

"(a) 'Facility' means the following Department of Energy installations, respectively:

"(1) Lawrence-Livermore National Laboratory;

"(2) Los Alamos National Laboratory;

"(3) Sandia National Laboratory;

"(4) Idaho National Engineering Laboratory;

"(5) any other laboratory primarily engaged in atomic energy defense activities; and

"(6) any other laboratory that are designated by the Secretary for purposes of this Act and are managed under a contract that includes the provisions referred to in subsection 4(a)(5) of this Act and any future government-owned, contractor-operated facilities established as Department of Energy multi-purpose laboratories or program-dedicated laboratories; except that term does not include Naval Nuclear Propulsion laboratories or contractors performing work covered under Executive Order 12344, as codified in 42 U.S.C. 7158.

"(b) 'Secretary' means the Secretary of Energy.

"(c) 'Contract' means a prime contract between the United States, represented by the Department of Energy, and a contractor to manage and operate a facility.

"(d) 'Contracting party' means, in the case of a government-owned, contractor-operated facility, the contractor-manager of the facility, and, in the case of a government-owned, government-operated facility, the director of the facility.

"(e) 'Cooperative arrangement' means a written agreement between a contracting party and one or more collaborative parties, under which the contracting party, acting under his contract, provides personnel, services, equipment, or other resources for the conduct of specified developmental or advanced work to assist in creating products of potential commercial value. A federal department or agency may be a party to such an arrangement;

"(f) 'Collaborative party' means a party to a cooperative arrangement other than a Federal department or agency or any of their contractors or subcontractors acting in furtherance of their contractual undertakings to the Federal entities.

"(g) 'Program mission' means the work and services constituting the entire scope of work to be performed by the contracting party under the contract, excluding the national competitiveness mission.

"(h) 'National competitiveness mission' means the contractor-manager's activities under the contract pursuant to section 4 of this Act.

"(i) 'Intellectual property' means patents, trademarks, copyrights, mask works, trade

secrets, and other forms of comparable property rights protected by law.

"(j) 'Technical data' means recorded information, regardless of form or characteristic of a scientific or technical nature, excluding computer software.

"(k) 'Computer software' means recorded information, regardless of form or media on which it may be recorded, comprising computer programs or documentation thereof.

"(l) 'Unlimited rights' means the right of the Government to use, disclose, reproduce, prepare derivative works, distribute copies of the public, and perform publicly, in any manner and for any purpose, and to have or permit others to do so.

"SEC. 4. NATIONAL COMPETITIVENESS MISSION.—

"(a) Within 180 days after the date of enactment of this Act, the Secretary shall:

"(1) review all existing laws, regulations, policy guidelines, orders, directives and administrative processes associated with the Department's ability to achieve the purpose of this Act;

"(2) confer with representatives of United States industry and labor, educational institutions, and contracting parties respecting effective implementation of this Act.

"(3) advise the Congress of any existing legal obstacles interfering with the Department's ability to achieve the purpose of this Act, and make pertinent recommendations;

"(4) formulate and put into effect a comprehensive set of policy guidelines, procedures, and supporting regulations to effectuate the purpose of this Act, including:

"(A) a procedure for assuring that proposed cooperative arrangements are reviewed and concurred in, required to be modified, or rejected by the Secretary or his designee within 60 days after receipt by the Secretary or his designee of the proposed arrangement. In any case under such procedure in which the Secretary disapproves or requires the modification of any proposed cooperative arrangement submitted under this Act, the Secretary shall transmit a written explanation of such disapproval or modification to the contracting party of the facility concerned within 60 days after such submission. If such action is not taken within this 60-day period, the Secretary shall notify the United States Senate Committees on Armed Services and Energy and Natural Resources and the appropriate committees of jurisdiction of the United States House of Representatives of the reason such action was not taken;

"(B) requirements to avoid conflicts of interests, and to govern the use of Government funds for a receipt of funds, due to the national competitiveness mission; and

"(C) any other requirements related to the principles stated in subsection (b) of this section; and

"(5) negotiate with each contracting party appropriate contract provisions that refer to this Act, establish the concept of cooperative arrangements as a mission for the government, and describe the respective obligations and responsibility of the government and the contracting party with respect to the national competitiveness mission.

"(b) In taking the steps provided for in subsections (a)(4) and (a)(5) of this section the Secretary shall be guided by the following principles:

"(1) The national competitiveness mission shall not interfere with any national security mission for the Department of Energy and shall be complementary to and supportive of the program missions at the facility, and in the overall best interests of the federal government.

"(2) Classified information and unclassified sensitive information (as defined under section 148 of the Atomic Energy Act of 1954, as amended) protected by law or regulations shall be safeguarded.

"(3) The Secretary's management authority and responsibility with respect to the facility and the conduct of activities under the contract for the operation of the facility shall not be diminished.

"(4) The national competitiveness mission shall be conducted in a manner that—

"(A) provides fairness of opportunity to participate to entities in the United States private sector and for a fair return on the taxpayer's investment; and

"(B) includes consideration of small business firms and universities.

"(5)(A) The benefits of technology transfer resulting from the national competitiveness mission shall accrue to United States industry.

"(B) In accordance with the principles in paragraphs (2), (4) and (5)(A) of this subsection, entities that are owned, controlled or dominated by a foreign government or foreign entity shall be separately considered in light of the objective of this Act to improve United States competitiveness and of national security. In addition, agreements with such foreign entities shall take into consideration whether or not the associated foreign government permits United States agencies, organizations, or other persons to enter into competitive arrangements and licensing agreements with agencies, organizations, or other persons of such foreign country.

"(6) The Secretary shall establish an explicit policy and procedures to govern the contracting party's use of Government resources for the national competitiveness mission, royalties or other income from licensing agreements, and receipts of funds by reasons of cooperative arrangements, as well as the maintenance of books and records.

"(7) March-in rights shall be provided, in the same manner as provided under section 203 of title 35, United States Code, for intellectual property acquired by the contracting party, collaborative party or their successors-in-interest to assure commercial utilization of technology developed under cooperative arrangements.

"(c) Beginning promptly after the inclusion of the national competitiveness mission in a contract, and continuing thereafter during the course of the national competitiveness mission, designees of the Secretary and the contracting party or his representative shall periodically confer to discuss:

"(1) potential projects for cooperative arrangements;

"(2) terms and conditions in cooperative arrangements;

"(3) specification of particular inventions and specific technical data or computer software provided for in section 5 of this Act; and

"(4) progress and problem areas associated with potential or actual cooperative arrangements.

"SEC. 5. PARTICULAR INVENTIONS AND SPECIFIC TECHNICAL DATA OR COMPUTER SOFTWARE.—

"(a) Beginning after the inclusion in a contract of the national competitiveness mission, each contemplated cooperative arrangement shall identify in writing:

"(1) any particular inventions, conceived or first actually reduced to practice by the contracting party in the performance of program missions under its contract, proposed for use in the contemplated cooperative arrangement; and

"(2) any specific technical data or computer software determined to have near-term commercial value, first produced by the contracting party in the performance of program missions under its contract, proposed for use in the contemplated cooperative arrangement.

"(b) To the extent that this Act is inconsistent with any of the provisions of 35 U.S.C. 200 et. seq., the provisions of this Act take precedence.

"(c) With respect to any inventions conceived or first actually reduced to practice by the contracting party in the course of or under its contract to manage and operate the facilities:

"(1) Notwithstanding section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), section 9 of the Federal Non-Nuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), or other provision of law, the Secretary shall dispose of the title to an invention made by a contracting party in the same manner as applied to small business and nonprofit organizations under chapter 18 of title 35, United States Code, and as provided by this Act.

"(2)(A) Whenever a contracting party makes an invention to which the Secretary has determined (at the time of contracting for the management and operation of the facility) to retain title for exceptional circumstances under section 202(a)(ii) of title 35, United States Code, title to the invention shall be retained by the Government unless the facility at which the invention is made requests title to the invention and the Secretary does not notify the contracting party of the facility within ninety days after receipt of the request that the invention is covered by a determination under section 202(a)(ii) of title 35, United States Code or has been classified or has been designated sensitive technical information as authorized by section 148 of the Atomic Energy Act of 1954, and that rejection of the request, in whole or in part, is in the best interest of the United States, taking into consideration the matters set forth in subparagraph (C).

"(B) Whenever a contracting party makes an invention to which the Secretary has determined (at the time of contracting for the management and operation of the facility) to retain title because the invention is made in the course of or under a funding agreement described in section 202(a)(iv) of title 35, United States Code, the title to the invention shall be retained by the Government unless the director of the facility at which the invention is made requests title and the Secretary does not notify the director of the facility within ninety days after receipt of the request that the invention is covered by a determination under subsection 202(a)(iv) of title 35, United States Code, or has been classified or has been designated sensitive technical information as authorized by law or regulation, and that rejection of the request, in whole or in part, is in the best interests of the United States, taking into consideration the matters set forth in subparagraph (C).

"(C) In determining whether to waive any or all of the rights of the United States to an invention or discovery pursuant to a request submitted in accordance with this paragraph, the Secretary shall consider whether any such waiver either will result in—

"(i) the compromise of the national security;

"(ii) the release to unauthorized persons of sensitive technical information (whether classified or unclassified) under any program or activity for which dissemination is controlled under Federal law; or

"(iii) an organizational conflict of interest contemplated by Federal statutes and regulations; or will adversely affect the operation of any other program or activity conducted at any facility. The Secretary may not use export control statutes or regulations as the sole basis for refusing a request for title to an invention.

(D) If the Secretary does not notify the contracting party that has requested title to an invention in accordance with this section, the contracting party shall have the right to title to the invention under the Government-wide contractor patentable ownership provisions of chapter 18 of title 35, United States Code.

"(d) With respect to specific technical data or computer software referred to in subsection (a)(2) which the contracting party identifies as having near-term commercial value with agreement by the Secretary, the cooperative arrangement may provide intellectual property rights to the technical data or computer software and that the technical data or computer software shall not be disclosed to or reproduced for any third party by the Government (except for third parties to which the Government decides it must disclose the technical data or computer software on a restricted basis for national security purposes, or for health, safety and environmental purposes), the contracting party and all collaborative parties to the arrangement, for a period of up to five years after termination of the work performed under the arrangement. Thereafter, or upon permission of the parties, the Government shall have unlimited rights to such intellectual property and technical data or computer software.

"(e) Notwithstanding any grant of rights under subsections (c) and (d) of this section, the Government shall have a nonexclusive, nontransferable, irrevocable, paid-up license, to practice or have practiced for or on behalf of the United States throughout the world, to such inventions, to use or have used for or on behalf of the United States throughout the world such technical data or computer software, and to disclose or reproduce such technical data or computer software as set forth in subsection (d).

"SEC. 6. COOPERATIVE ARRANGEMENTS.—Notwithstanding any other provision of this Act or any other provision of any other law to the contrary—

"(a) the rights to any inventions conceived or first actually reduced to practice by a collaborating party in performing under a cooperative arrangement shall be agreed to by the parties to the arrangement, subject to the Government's nonexclusive, nontransferable, irrevocable, paid-up license, to practice or have practiced for or on behalf of the United States throughout the world, to that invention.

"(b) Technical or computer software data first produced in the performance of a cooperative arrangement which the contracting party identifies as having near-term commercial value with agreement by the Secretary, may be protected by an intellectual property right and shall not be disclosed to or reproduced for any third party by the Government (except for third parties to which the Government decides it must disclose the technical data on a restricted basis for national security purposes, or for health, safety, and environmental purposes), the contracting party, and all collaborative parties to the arrangement, without the express written permission of all parties to the arrangement, for a period of up to five years after termination of the work performed under the arrangement subject to the Government's nonexclusive, nontransferable, irrevocable, paid-up license, to use or have used for or on behalf of the United States throughout the world, such intellectual property and to disclose or reproduce the intellectual property as set forth in this subsection. Thereafter, or upon permission of the parties to the agreement, the Government shall have unlimited rights to the intellectual property and technical data or computer software.

"(c) Technical data or computer software in which collaborating parties have rights shall be accorded appropriate confidentiality.

"SEC. 7. OVERSIGHT.—The Secretary, the Inspector General of the Department of Energy, and the Comptroller General shall conduct periodic audits of activities under this Act.

"SEC. 8. LIABILITY.—Except as provided in title 28, United States Code, section 1498, neither the United States nor the contracting parties or any of their officers, employees, or agents shall be liable for the use or manufacture of an invention covered by a patent acquired under this Act nor for the infringement of any copyright or certificate of plant variety protection acquired under this Act.

"SEC. 9. REGULATIONS.—

"(a) Within 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations necessary to carry out the provisions of this Act. In prescribing such regulations, the Secretary shall provide opportunity for public comment on proposed regulations.

"(b) Before the Secretary issues regulations under this section, the Secretary shall consult with the Office of Procurement Policy for review of such regulations for consistency with this Act.

"(c) Regulations under this section shall ensure that the contract for the management and operation of any facility authorizes the contracting party with respect to such facility to enter into cooperative arrangements and to negotiate the terms and conditions of such arrangements with—

"(1) other Federal agencies;

"(2) units of State and local government;

"(3) industrial organizations including corporations, partnerships and limited partnerships, consortia, and industrial development organizations;

"(4) public and private foundations;

"(5) nonprofit organizations including universities; and

"(6) other persons or entities including licensees of inventions, technical data, or computer software owned by the contracting party of a facility.

"SEC. 10. COPYRIGHTS ANDS PATENTS.—This Act does not contain any new authority for the Department of Energy to obtain a copyright or a patent.

"SEC. 11. REPEAL OF SUPERSEDED PROVISION.—Section 3131 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1987 (100 Stat. 4062; 42 U.S.C. 7261a) is repealed.

"SEC. 12. EFFECTIVE DATE.—The provisions of the Act shall take effect 180 days after the date of the enactment of the Act. Notwithstanding this section, the Secretary, immediately after the date of the enactment of this Act, shall enter into negotiations with the contracting party at each facility to amend all existing contracts for the operation of the facility to reflect this Act.

"SEC. 13. CONSTRUCTION OF ACT.—Nothing in this Act shall be construed as denying to any contracting party the benefit of any provision of law that—

"(a) applies to activities conducted by such contracting party that are not activities under any atomic energy defense program of the Department of Energy;

"(b) governs the transfer of technology; and

"(c) is less restrictive than the provisions of this Act

"SEC. 14. PERSONNEL EXCHANGES.—The Secretary may include provisions in cooperative arrangements for temporary exchanges of personnel between any domestic firm or university and the contracting facility. The exchange of personnel may be subject to such restrictions, limitations, terms and conditions as the Secretary considers necessary in the interest of national security.".

DOMENICI AMENDMENT NOS. 475 THROUGH 478

(Ordered to lie on the table.)

Mr. DOMENICI submitted four amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 475

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. SINGLE PLUSE AND EXCIMER LASER PROGRAMS.

Of the funds authorized to be appropriated pursuant to section 201, not less than $20,000,000 shall be available for research, development, test, and evaluation in connection with the single pluse and excimer laser programs.

AMENDMENT NO. 476

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. MAGNETOENCEPHALOGRAPHY (MEG) AND NEUROMAGNETISM RESEARCH.

Of the funds authorized to be appropriated pursuant to section 201 for the Army for fiscal year 1990, not more than $250,000 shall be made available for the joint Army-Department of Energy research project on magnetoencephalography (MEG) and neuromagnetism.

AMENDMENT NO. 477

On page 84, between lines 11 and 12, insert the following new section:

SEC. 356. For purposes of allocating funds to military installations of the Department of Defense for morale, welfare, and recreation purposes, Cannon Air Force Base, New Mexico, shall be considered to be a remote and isolated military facility.

AMENDMENT NO. 478

On page 295, after line 25, insert the following new section.

SEC. . REPORT ON LOSS OF SSI BENEFITS.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the number of members of the Armed Forces who have dependents who are eligible for supplemental security income (SSI) benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.). The Secretary shall include in such report the following:

(1) A statement of the number of dependents of members of the Armed Forces who, as a consequence of members of the Armed Forces being assigned to duty outside the United States, lose their eligibility for supplemental security income (SSI) benefits.

(2) A statement of the total cost of providing SSI benefits to dependents of members of the Armed Forces.

(3) Information indicating whether the Department of Defense provides any benefit for members of the Armed Forces, based upon the blindness or disability of a dependent, similar to SSI benefits provided under title XVI of the Social Security Act.

(4) A discussion of possible programs of assistance that could be established to assist members of the Armed Fores in cases in which dependents lose SSI benefits as a result of accompanying members of the Armed Forces to duty stations outside the United States.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 479

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

At the end of the bill, add the following:

"SEC. . The Secretary of Energy is authorized and directed to enter into an agreement with the State of New Mexico for the purpose of reimbursing the State of New Mexico under current DOT advance construction procedures, as set forth in title 23 CFR part 630 subpart G, in such manner and in such amount as shall hereafter be provided in appropriation Acts, for any and all costs incurred by the State of New Mexico for the design, row acquisition, construction and/or upgrading of certain highways or relief routes in the State of New Mexico used for the transportation of radioactive waste generated during defense-related activities, and destined for the Waste Isolation Pilot Project (WIPP), including those roads identified in an August 4, 1987, WIPP Agreement between the State of New Mexico and the United States Department of Energy."

DOMENICI AMENDMENT NO. 480

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. LASER WEAPON VERIFICATION RESEARCH.

(a) FUNDING.—Of the amounts made available for weapon verification research for fiscal year 1990, not to exceed $5,000,000 shall be available for laser weapon verification technology research.

(b) AWARD OF CONTRACTS.—In awarding contracts for research, development, test, and evaluation in connection with laser weapon verification technology, the Secretary of a military department or the head of a Defense Agency, as the case may be, shall ensure that such contracts are awarded to contractors that have experience in one or more of the following areas:

(1) Development of technologies for cooperative verification of laser weapons.

(2) Expertise in matters related to the propagation of high energy laser beams through the atmosphere.

(3) Ability to verify the testing or deployment of high energy laser beams against satellites in space.

SYMMS AMENDMENT NOS. 481 THROUGH 485

(Ordered to lie on the table.)

Mr. SYMMS submitted five amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 481

At the end of the bill add the following new section:

SEC. . RADIATION EXPOSED VETERANS.

Subparagraph (A) of paragraph (4) of subsection (c) of section 312 of title 38, U.S.C., as enacted by Public Law 100-321, is amended to read as follows:

"(A) The term 'radiation-exposed veteran' means a veteran who, while serving on active duty, active duty for training, inactive duty training, or as a military technician of the National Guard, participated in a radiation-risk activity.".

AMENDMENT NO. 482

At the end of the bill add the following new section:

SEC. . REQUIRING CONCURRENCE IN FOREIGN AVAILABILITY ASSESSMENTS.

The Export Administration Act of 1979, as amended, is amended as follows:

(a) in subparagraph (B) of paragraph (3) of subsection (f) of section 5, strike "does not require" and insert in lieu thereof "requires"; and

(b) strike subparagraph (C) of paragraph (4) of subsection (f) of section 5.

AMENDMENT NO. 483

At the end of the bill add the following new section:

SEC. . REQUIRING CONCURRENCE IN FOREIGN AVAILABILITY ASSESSMENTS.

The Export Administration Act of 1979, as amended, is amended as follows:

(a) in subparagraph (B) of paragraph (3) of subsection (f) of section 5, strike "does not require" and insert in lieu thereof "requires"; and

(b) strike subparagraph (C) of paragraph (4) of subsection (f) of section 5.

AMENDMENT NO. 484

On page 32, strike the word "and" the second time it appears on line 11, strike the period on line 13 and insert in lieu thereof a semicolon and the word "and", and insert after line 13 the following new sub-subparagraph:

"(iii) $5,000,000 is authorized for further development of Project Have Gaze."

On page 32, strike the word "and" the second time it appears on line 18, strike the period on line 20 and insert in lieu thereof a semicolon and the word "and", and insert after line 20 the following new sub-subparagraph:

"(iii) $5,000,000 is authorized for further development of Project Have Gaze."

At the appropriate place in title II, insert the following new section:

"SEC. . PROJECT HAVE GAZE.

"It is the sense of the Senate that, upon the successful ground testing of Project Have Gaze, the Secretary of Defense should reprogram such sums as are necessary to implement the further development of the program."

AMENDMENT NO. 485

At the end of the bill add the following new section:

"SEC. . PROTECTION FROM TERRORISM.

The Export Administration Act of 1979, as amended, is amended as follows:

(a) in paragraph (b)(1) of section 5, insert "and section 6(j) of this Act" after "[22 U.S.C.A. Sec. 2370(f)]";

(b) before the semicolon in subparagraph (b)(1)(A) of section 5, insert the following: "including such country's possible engagement in chemical and biological weapons development, ballistic missile proliferation, or international terrorism";

(c) in paragraph (j)(1) of section 6, add the following new subparagraphs and redesignate all succeeding paragraphs accordingly:

"(B) Such country is hostile to the United States and may be engaged in chemical or biological weapons development.

"(C) Such country is engaged in ballistic missile proliferation to countries engaged in or providing support for terrorism.";

(d) in subsection (g) of section 10, insert the following new paragraph (4) and renumber paragraph (4) accordingly:

"(4)(A) The Secretary and the Secretary of Defense shall not approve exports within the general exceptions category of militarily significant or dual-use technology and commodities controlled and determined by the Coordinating Committee for Multilateral Export Controls to defense priority industries of countries subject to controls of such Committee.

"(B) Within 60 days of enactment, the Secretary of Defense shall compile and report to the committees of jurisdiction a list of defense priority industries, including computer and semiconductor manufacturing, for the purpose of implementing this paragraph."

ARMSTRONG AMENDMENT NOS. 486 AND 487

(Ordered to lie on the table.)

Mr. ARMSTRONG submitted two amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 486

At the end of title IX of the bill, add the following new section:

"SEC. . FINANCIAL BENEFITS TO THE UNION OF SOVIET SOCIALIST REPUBLICS CONTINGENT UPON CESSATION OF DRUG TRADE BY CUBA.

"(a) Notwithstanding any other provision of law, until the President makes the certification specified in subsection (b), he shall—

"(1) Instruct the United States representative to any international organization funded in whole or in part by the Government of the United States, which extends financial assistance to member states, including but not limited to the International Monetary Fund, the General Agreement on Tariffs and Trade, and the International Bank for Reconstruction and Development, to oppose membership or observer status of the Union of Soviet Socialist Republics in such organizations and to oppose the extension, directly or indirectly, of any form of financial aid, assistance, loan, or credit whatsoever to the Union of Soviet Socialist Re-

publics whether or not that country achieves membership or observer status in such organization;

"(2) Deny to the government or any state enterprise of the Union of Soviet Socialist Republics, or to U.S. persons or corporations and their subsidiaries doing business in or with the Union of Soviet Socialist Republics, the extension, directly or indirectly, of any form of financial aid, assistance, loan, credit, subsidy, or loan guarantee whatsoever having the purpose or effect of facilitating the conduct of business in or with the Union of Soviet Socialist Republics, by any entity controlled by the Government of the United States (other than the Commodity Credit Corporation), which extends financial aid, assistance, loans or credits to foreign states or to United States persons or corporations doing business in or with foreign states, including but not limited to the Overseas Private Investment Corporation and the Export-Import Bank; and

"(3) Oppose any substantial relaxation, liberalization, reclassification, or end of restrictions on any license for the sale of goods or technology (apart from routine review and updating of the control list), or the granting of any exceptions to such restrictions, to the Union of Soviet Socialist Republics through the Coordinating Committee for Multilateral Export Controls.

"(b) The provisions of subsection (a) of this section shall remain in effect until the President certifies to the President of the Senate and to the Speaker of the House of Representatives, that—

"(1) Neither the Government of Cuba nor any entity controlled by the Government of Cuba is involved in any way in illegal drug trafficking;

"(2) Neither Cuban territory nor Cuban territorial waters are used as a conduit or transfer point for the supply of illegal drugs to the United States; and

"(3) The conditions specified in paragraphs (1) and (2) of this subsection have existed for a period of at least one year.

"(c) Nothing in this section shall be construed to repeal, contravene, or waive any provision of law prohibiting or establishing other requirements for the extension to the Union of Soviet Socialist Republics of the benefits denied by subsection (a) or otherwise to grant or to require the granting of such benefits upon the certification specified in subsection (b).".

AMENDMENT NO. 487

At the end of title IX of the bill, add the following new section:

"SEC. . FINANCIAL BENEFITS TO THE UNION OF SOVIET SOCIALIST REPUBLICS CONTINGENT UPON CESSATION OF SOVIET-BLOC MILITARY AID TO NICARAGUA.

"(a) Notwithstanding any other provision of law, until the President makes the certification specified in subsection (b), he shall—

"(1) Instruct the United States representative to any international organization funded in whole or in part by the Government of the United States, which extends financial assistance to member states, including but not limited to the International Monetary Fund, the General Agreement on Tariffs and Trade, and the International Bank for Reconstruction and Development, to oppose membership or observer status of the Union of Soviet Socialist Republics in such organizations and to oppose the extension, directly or indirectly, of any form of financial aid, assistance, loan, or credit whatsoever to the Union of Soviet Socialist Republics whether or not that country achieves membership or observer status in such organization;

"(2) Deny to the government or any state enterprise of the Union of Soviet Socialist Republics, or to U.S. persons or corporations and their subsidiaries doing business in or with the Union of Soviet Socialist Republics, the extension, directly or indirectly, of any form of financial aid, assistance, loan, credit, subsidy, or loan guarantee whatsoever having the purpose or effect of facilitating the conduct of business in or with the Union of Soviet Socialist Republics, by any entity controlled by the Government of the United States (other than the Commodity Credit Corporation), which extends financial aid, assistance, loans or credits to foreign states or to United States persons or corporations doing business in or with foreign states, including but not limited to the Overseas Private Investment Corporation and the Export-Import Bank; and

"(3) Oppose any substantial relaxation, liberalization, reclassification, or end of restrictions on any license for the sale of goods or technology (apart from routine review and updating of the control list), or the granting of any exceptions to such restrictions, to the Union of Soviet Socialist Republics through the Coordinating Committee for Multilateral Export Controls.

"(b) The provisions of subsection (a) of this section shall remain in effect until the President certifies to the President of the Senate and to the Speaker of the House of Representatives, that—

"(1) The Communist Sandinista regime of Nicaragua is not receiving from the Union of Soviet Socialist Republics or from any country allied with the Union of Soviet Socialist Republics military or security assistance in any form whatsoever, including but not limited to the supply of weapons, weapon parts, ammunition, military vehicles or military aircraft or naval craft or parts therefor, training of Sandinista military or security personnel, or services of Soviet or Soviet-allied military or security personnel in Nicaragua;

"(2) The Communist Salvadoran guerrillas of the Farabundo Marti National Liberation Front (F.M.L.N.) or any related or allied organizations is not receiving from the Union of Soviet Socialist Republics or from any country allied with the Union of Soviet Socialist Republics, including Nicaragua or Cuba, military or political assistance in any form whatsoever, including but not limited to the supply of funds, weapons, weapons parts, ammunition, vehicles or aircraft or parts therefor, command and control, training of F.M.L.N. personnel, services of Soviet or Soviet-allied personnel in El Salvador, or harboring of F.M.L.N. personnel in Nicaragua or Cuba; and

"(3) The assistance specified in paragraphs (1) and (2) of this subsection has ceased for a period of at least one year.

"(c) Nothing in this section shall be construed to repeal, contravene, or waive any provision of law prohibiting or establishing other requirements for the extension to the Union of Soviet Socialist Republics of the benefits denied by subsection (a) or otherwise to grant or to require the granting of such benefits upon the certification specified in subsection (b).".

BINGAMAN (AND DOMENICI) AMENDMENT NO. 488

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 450 of the bill, after line 13, add the following:

SEC. . NATIONAL COMPETITIVENESS MISSION.

Section 91(a) of the Atomic Energy Act of 1954 (68 Stat. 936; 42 U.S.C. 2121(a)) is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(3) enhance the economic competitiveness of the United States, to the extent consistent with the national security missions of the Department of Energy, by ensuring that investment in research and development in the military application of atomic energy results in the development of civilian applications for and commercialization of advanced technology (including, but not limited to, advanced technology relating to the safe and efficient handling and disposal of industrial wastes), through appropriate transfers of Federally owned or federally originated technology to state or local governments, private industry, universities, or other nonprofit institutions.

BINGAMAN AMENDMENT NO. 489

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 295, after line 25, insert the following new title:

TITLE —MISSILE CONTROL

SEC. . FINDINGS.

The Congress finds that—

(1) the global spread of weapons of mass destruction, accompanied by the proliferation of sophisticated missile delivery systems and missile technology, poses a serious threat to stability and peace in many regions;

(2) the Missile Technology Control Regime (MTCR) was established in 1987 to restrict such proliferation;

(3) notwithstanding the existence of the MTCR, companies situated in countries which are adherents to the MTCR have transferred, in violation of the principles of that agreement, missile equipment and technology to nonadherents;

(4) the MTCR is further weakened as it does not include the Soviet Union, China, Argentina, North Korea, Brazil, and certain Soviet-bloc countries, which have transferred missiles and missile technology to countries without this capability;

(5) missile proliferation could be better controlled if MTCR adherents shared a common interpretation of the MTCR principles and strictly enforced its provisions;

(6) the spread of intermediate range missiles can be effectively restricted only if all countries involved in the transfer of such missiles and technology agree to restrict such transfers;

(7) coordination and cooperation between the agencies charged with responsibility for carrying out United States policy on missile control is inadequate; and

(8) greater consultation between the President and the Congress is needed to ensure that Congress is being kept fully informed about missile proliferation and development, and ongoing diplomacy to halt missile proliferation.

SEC. . PURPOSE.

It is the purpose of this title—

(1) to restrict the transfer and development of missiles and missile equipment and technology;

(2) to encourage greater international participation in and adherence to the Missile Technology Control Regime (MTCR) of 1987;

(3) to seek bilateral and multilateral agreements similar to the MTCR;

(4) to encourage countries without missiles to forego the development or acquisition of these weapons; and

(5) to mandate procedures which would permit the United States to take the lead in restricting the spread of missiles and missile equipment and technology by requiring stricter enforcement procedures and improved cooperation among the responsible agencies.

SEC. . AMENDMENT TO THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended by inserting after chapter 6 (22 U.S.C. 2795b, et seq.) the following new chapter:

"CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT AND TECHNOLOGY

"SEC. 71. POLICY.—It is the policy of the United States to improve the control and reduce the proliferation of missiles and missile equipment and technology by taking all appropriate measures—

"(1) to improve enforcement and seek a common and broader interpretation among Missile Technology Control Regime (MTCR) members of MTCR principles;

"(2) to extend MTCR membership to nonadherents and to explore with other nonadherents which export missiles and missile equipment and technology the negotiation of bilateral and multilateral agreements which would support the principles of the MTCR or, at a minimum, not undercut the MTCR;

"(3) to consider the organization of an international conference to review measures which would reduce the proliferation of missiles and missile equipment and technology;

"(4) to consider an international treaty which prohibits the global spread of missiles that are subject to MTCR guidelines; and

"(5) to seek through diplomatic efforts peaceful resolution of regional differences, thereby reducing the perceived need for missile forces.

"SEC. 72. DENIAL OF THE TRANSFER OF MISSILE EQUIPMENT AND TECHNOLOGY.—(a) Except as provided in subsection (b), the following shall apply:

"(1) If the President determines, after consultation with the Secretary of State and the Secretary of Defense, that a domestic firm has transferred, in violation of the MTCR guidelines, after the date of enactment of this Act—

"(A) missile equipment and technology (other than MTCR category I), then the Secretary of State and the Secretary of Defense shall deny, for a period of two years, government contracts relating to missile equipment and technology and export licenses for any transfer of missile equipment and technology to such firm; and

"(B) MTCR category I missile equipment and technology, then the Secretary of State and the Secretary of Defense shall deny, for a period of five years, government contracts relating to missile equipment and technology and export licenses for any transfer of missile equipment and technology to such firm.

"(2) the President determines, after consultation with the Secretary of State and the Secretary of Defense, that a foreign firm or state entity, in violation of the MTCR guidelines, has transferred, after the date of enactment of this Act—

"(A) missile equipment and technology (other than MTCR category I), then the Secretary of State and the Secretary of Defense shall deny, for a period of two years, government contracts relating to missile equipment and technology and export licenses for any transfer of missile equipment and technology to that foreign firm or State entity; and

"(B) MTCR category I missile equipment and technology, then the Secretary of State and the Secretary of Defense shall deny, for a period of five years, government contracts relating to missile equipment and technology and export licenses for any transfer of missile equipment and technology to that foreign firm or State entity.

"(b) The prohibitions contained in subsection (a) shall not apply if the President, after consultation with the Secretary of State and the Secretary of Defense, determines and so certifies to Congress that the export license or government contract would not be inconsistent with the purpose of title of the National Defense Authorization Act for Fiscal Years 1990 and 1991.

"SEC. 73. ANNUAL REPORT ON MISSILE CONTROL.—(a) CONTENTS OF REPORT.—Not later than February 1 of each year, the Secretary of State shall submit to the Congress a report on transfers of missile equipment and technology to MTCR nonadherents that shall include—

"(1) the status of missile development programs, as defined in the MTCR, of all nonadherents, except the Soviet Union, which have transferred or sold to other countries, or are developing, missile systems and, in the case of the Soviet Union, a description of all missile exports, as defined in the MTCR, to other nonadherents;

"(2) a description of the assistance provided by individual Communist-bloc countries and non-Communist countries and companies, including MTCR adherents, to MTCR nonadherents in the development of missile systems, as defined in the MTCR;

"(3) the number, on a country-by-country basis, of validated export licenses, technical assistance agreements, manufacturing licensing agreements, and letters of offer and acceptance approved for the transfer of missile equipment and technology to MTCR nonadherents;

"(4) a description specifying the type of equipment, the end-user, and the purpose for which it will be used, of missile equipment and technology transfers to MTCR nonadherents which require assurances from the recipient; and

"(5) a description of diplomatic measures that the United States has taken or that other MTCR members have made to the United States with respect to activities of private firms and countries suspected of violating the MTCR.

"(b) TYPE OF REPORT.—The President shall make every effort to submit all of the information required by subsection (a) in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

"(c) CONSTRUCTION.—Nothing in this section—

"(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained therein; or

"(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

"(A) jeopardize the national security of the United States;

"(B) undermine existing and effective efforts to meet the policy objectives outlined in section 71 of this Act; or

"(C) compromise sensitive intelligence operations, with resulting grave damage to the national security interests of the United States.

"SEC. 74. DEFINITIONS.—For purposes of this chapter—

"(1) the term 'Missile Technology Control Regime' or 'MTCR' means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology; and

"(2) the terms 'missile' and 'missile equipment and technology' mean those items listed in the MTCR Equipment and Technology Annex, as amended.".

SEC. . AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1979.

(a) REVIEW OF MTCR LICENSE APPLICATIONS.—Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended—

(1) by inserting "(A)" immediately after "(5)"; and

(2) by adding at the end thereof the following:

"(B)(i) The Secretary shall direct the Office of Export Licensing to refer all license applications for the export of items on the MTCR annex, excluding those directed to MTCR adherents and those that deal with NATO programs of cooperation, to the Secretary of State and, if so requested, to the Secretary of Defense.

"(ii) The Secretary shall, in consultation with the Secretary of State and the Secretary of Defense, establish a procedure that would permit the Secretary of State and the Secretary of Defense to have access to the Office of Export Licensing's computer lists of license applications for missile equipment and technology.".

(b) EXPORT LICENSING OF CERTAIN MISSILE EQUIPMENT AND TECHNOLOGY.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (k) through (p) as subsections (l) through (q), respectively; and

(2) by inserting after subsection (j) the following:

"(k) CONTROLS ON EXPORTS OF MISSILE EQUIPMENT AND TECHNOLOGY.—

"(1) IN GENERAL.—Missile equipment and technology, other than missile equipment and technology on the United States Munitions List, may be exported from the United States only pursuant to a validated export license.

"(2) DENIAL REQUIRED.—After enactment of this subsection, the Secretary shall not

issue an export license for missile equipment and technology to which this subsection applies—

"(A) if the proposed exporter or recipient of the export has transferred, after the date of enactment of this subsection, and within the 2-year period preceding the application for the license, missile equipment and technology in violation of the MTCR guidelines;

"(B) if the proposed recipient of the transfer is a facility of a MTCR nonadherent that is designed to develop offensive missiles (as defined in the MTCR) for export to MTCR nonadherents; or

"(C) if the proposed recipient or end-user is located in a country which the Secretary of State has determined, for purposes of subsection (j) of this section, has repeatedly provided support for acts of international terrorism.

"(3) EXCEPTIONS.—Notwithstanding paragraph (2), the Secretary may issue a license for an export of missile equipment and technology to which this subsection applies if, after consultation with the Secretary of Defense, the Secretary determines and so certifies to the Congress that the issuance of the export license would not be inconsistent with the purpose of title of the National Defense Authorization Act for Fiscal Years 1990 and 1991.".

(c) REPORT.—Section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413) is amended—

(1) by striking the section heading and inserting in lieu thereof "REPORTS";

(2) in subsection (a), by striking "CONTENTS" and inserting "ANNUAL REPORTS"; and

(3) by adding at the end thereof the following:

"(g) REPORTS ON CONTROLS OF MISSILE EQUIPMENT AND TECHNOLOGY.—Not later than February 1 of each year, the Secretary shall submit to the Congress a report setting forth with respect to the preceding calendar year—

"(1) the number, on a country-by-country basis, of requests for validated export licenses approved for missile equipment and technology to non-MTCR countries;

"(2) a description, specifying the type of equipment, the end-user, and the purposes for which it will be used of export licenses approved for missile equipment and technology to MTCR nonadherents that required assurances from the recipient; and

"(3) the number, on a country-by-country basis, and description of requests or applications for missile equipment and technology export licenses that were referred to the Department of State and the Department of Defense.".

(d) DEFINITIONS.—Section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) the terms 'MTCR', 'Missile Technology Control Regime', and 'missile equipment and technology' have the same meanings as in section 74 of the Arms Export Control Act;".

WILSON AMENDMENT NO. 490

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place insert the following:

SEC. . DEADLINE FOR COMPLETION AND EXECUTION OF AGREEMENTS WITH AFFECTED STATES AND WITH THE ENVIRONMENTAL PROTECTION AGENCY.

(a) Whenever a Department of Defense facility is proposed for listing on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, the Secretary of Defense shall, not later than one year after the date a facility is proposed for such listing, ensure that an agreement with affected states and with the Environmental Protection Agency for the expeditious initiation and completion of remedial action at such facility is executed.

(b) Nothing in this provision shall be construed as affecting or modifying state law, including laws concerning removal or remedial action, or enforcement, or the application of such laws to facilities owned or operated by a department, agency, or instrumentality of the United States.

PRESSLER AMENDMENT NO. 491

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 193, between lines 10 and 11, insert the following:

SEC. 657. COMMISSARY STORES PRIVILEGES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1056. Commissary store privileges for custodial parents.

"The unremarried former spouse of a member or retired member of the armed forces may use commissary stores for the benefit of a dependent child (as described in section 1072(2)(D) of this title) of such member during any period when all of the following conditions apply:

"(1) such former spouse has legal custody of such a child;

"(2) such a member or retired member is authorized to use commissary stores—

"(3) such dependent child is unable to use commissary stores because of administrative restrictions on the use of commissary stores by dependent children.".

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

"1056. Commissary store privileges for custodial parents.".

DOMENICI AMENDMENT NO. 492

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. MAGNETOENCEPHALOGRAPHY (MEG) AND NEUROMAGNETISM RESEARCH.

Of the funds authorized to be appropriated pursuant to section 201 for the Army for fiscal year 1990, not more than $250,000 shall be made available for the joint Army-Department of Energy research project on magnetoencephalography (MEG) and neuromagnetism.

NICKLES (AND BOREN) AMENDMENT NO. 493

(Ordered to lie on the table.

Mr. NICKLES (for himself and Mr. BOREN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

At the end of part B of title 28 insert the following:

SEC. 2830. TINKER AIR FORCE BASE, OKLAHOMA.

(a) PURCHASE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Air Force is authorized to acquire a Depot Operations Logistics Facility at Tinker Air Force Base for the sum of $248,900. No charge to appropriations shall be required for sums previously expended for site preparation, leasing, installation or other construction.

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

MURKOWSKI AMENDMENT NO. 494

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the end of the bill, add the following new sections:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Energy Security Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States is the leader of the free world and has world wide responsibilities to promote economic and political security;

(2) the exercise of traditional responsibilities here and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of shortages;

(3) the level of the United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas;

(4) a national energy policy should be developed which ensures that adequate supplies of oil shall be available at all times free of the threat of embargo or other foreign hostile acts;

(5) the ability of the United States to exercise its free will and to carry out its responsibilities as leader of the free world could be jeopardized by an excessive dependence on foreign oil imports; and

(6) increasing dependence on foreign oil imports has and continues to impose unacceptable risks to the lives of United States service men and women and severe economic costs to the national defense.

(b) PURPOSE.—The purpose of this Act is to establish a national energy security plan designed to reduce United States dependence on foreign oil supplies to a level which does not pose an unacceptable threat to the national security.

SEC. 3. DUTIES OF THE PRESIDENT.

(a) ESTABLISHMENT OF CEILING.—The President shall establish a National Oil Import Ceiling (referred to in this Act as the "ceiling level") which shall represent a ceiling

level beyond which foreign crude and oil product imports as a share of United States oil consumption should not exceed.

(b) LEVEL OF CEILING.—The ceiling level established under subsection (a) shall not exceed 50 percent of United States crude and oil product consumption for any six month period.

(c) REPORT.—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection which shall contain a forcast of domestic oil and NGL demand and production, and imports of crude and oil product for the subsequent year. The report shall indicate the likelihood of foreign crude and oil product imports exceeding the ceiling level during the next year.

(2) The projection prepared pursuant to paragraph (1) shall be presented to Congress with a description of the actions which the President expects to take pursuant to section 4 at the time of the submission of the President's Budget.

SEC. 4. ENERGY PRODUCTION AND SECURITY ACTION PLAN.

(1) The President shall at all times monitor the level of foreign crude and oil product imports as a share of United States oil consumption. Upon a finding that the ceiling level has been exceeded, the President shall within 90 days amend, if necessary, and submit an Energy Production and Security Action Plan to Congress. The plan shall indicate specific actions to be taken to reduce crude and product imports below the National Oil Import Ceiling. Unless disapproved or modified by joint resolution and notwithstanding any other provision of law, the plan shall be implemented 90 calendar days after being submitted to Congress.

(2) The Energy Production and Oil Security Plan shall include:

(A) a certification by the President that the ceiling level has been exceeded;

(B) a list of federal land tracts, offshore and onshore, in order of their potential for oil and gas recovery, including any federal land currently off-limits to oil and gas leasing;

(C) a schedule for leasing such tracts in order of their potential for oil and gas discovery including number of tracts to be leased and the timing for individual lease sales;

(D) energy conservation actions including improved fuel efficiency for automobiles and the development of alternative transportation fuels; and

(E) production incentives for domestic oil and gas including royalty reductions, tax and other incentives for stripper well production, offshore, frontier, and other oil produced with tertiary recovery techniques.

PRYOR AMENDMENT NOS. 495 AND 496

(Ordered to lie on the table.)

Mr. PRYOR submitted two amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 495

Insert in the appropriate place:

The Secretary of the United States Army is hereby directed to transfer the lease of property and all improvements to said property known as the Seymour W. Terry Army Reserve Center located on the campus of the University of Arkansas at Little Rock, Arkansas, to the University of Arkansas at Little Rock, Arkansas.

AMENDMENT NO. 496

On page 447, between lines 13 and 14, insert the following:

(4)(A) Whenever a person, upon separation from employment by the Department of Energy, commences the furnishing of services with respect to which section 207 of title 18, United States Code, or section 27(e) of the Office of Federal Procurement Policy Act does not apply by reason of paragraph (1) or (3), the Secretary of Energy shall transmit to the Office of Government Ethics a notification containing the name of such person, the Department of Energy position in which the person was employed at the time of separation, the contractor to which or on behalf of which such person is furnishing such services, and a description of such services.

(B) Whenever the Secretary of Energy appoints to a position of employment in the Department of Energy any person to whom section 208 of title 18, United States Code, does not apply by reason of paragraph (2), the Secretary shall transmit to the Office of Government Ethics a notification containing the name of such person, the position in which such person was employed while such person was employed in a laboratory referred to in that paragraph, the name of the person's employer while such person was so employed, and the position to which such person is appointed.

(C) Notifications received by the Office of Government Ethics under this paragraph shall be available to the public.

MURKOWSKI AMENDMENT NOS. 497 THROUGH 499

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted three amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 497

On page 247, below line 24, insert the following:

SEC. 386. REQUIREMENT FOR CERTIFICATE OF INDEPENDENT PRICE DETERMINATION IN CERTAIN DEPARTMENT OF DEFENSE CONTRACT SOLICITATIONS.

The Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to provide that—

(1) the exception provided in Federal Acquisition Regulation 3.103-1 for work performed by foreign suppliers outside the United States, its possessions, and Puerto Rico shall not apply in the case of any firm-fixed-price contract awarded by the Department of Defense and any fixed-price contract with economic price adjustment awarded by the Department of Defense; and

(2) the provision set out in Federal Acquisition Regulation 52.203-2 (relating to a certificate of independent price determination) shall be inserted in the contract solicitation for each such contract unless another exception provided in Federal Acquisition Regulation 3.103-1 applies in the case of such contract.

AMENDMENT NO. 498

On page 247, below line 24, insert the following:

SEC. 836. PROHIBITION ON ACQUISTION OF AGRICULTURAL PRODUCTS OF SOUTH AFRICA.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410c. Prohibition on acquisition of agricultural products of the Republic of South Africa

"Agricultural products of the Republic of South Africa may not be acquired, directly or indirectly, by the Department of Defense.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410c. Prohibition on acquisition of agricultural products of the Republic of South Africa.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to contracts entered into and purchases made on or after the date of the enactment of this Act.

AMENDMENT NO. 499

At the end of the bill, add the following new section:

SEC. . ILLEGAL ACTS BY TAIWANESE FISHING VESSELS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the illegal harvesting of salmon in driftnet fisheries in the North Pacific Ocean is a serious threat to the well-being of the salmonid resources of the United States, and to the livelihoods of thousands of American citizens;

(2) vessels operating from Taiwan have been demonstrated to be extensively involved in such illegal harvesting;

(3) the Government of Taiwan has consistently failed to take appropriate and necessary steps to prevent the illegal harvest of salmonid fishes of the United States by driftnet vessels from Taiwan;

(4) a tentative agreement regarding driftnet fisheries of the North Pacific Ocean has been negotiated between the Coordination Council for North American Affairs, representing the Government of Taiwan, and the American Institute in Taiwan, representing the United States;

(5) the failure of the Government of Taiwan to finalize the tentative agreement between the Coordination Council for North American Affairs and the American Institute in Taiwan regarding driftnet fisheries of the North Pacific makes it impossible to implement effective cooperative enforcement efforts as provided for in the Driftnet Impact Monitoring, Assessment and Control Act of 1987 (16 U.S.C. 1822 note), also known as "the Driftnet Act";

(6) Taiwan has been certified by the Secretary of Commerce under the Driftnet Act, which certification is deemed to be a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a));

(7) the certification of Taiwan under the Driftnet Act permits the President to impose restrictions on the import of certain marine products from Taiwan.

(b) COOPERATIVE MONITORING.—Within ninety days of the enactment of this Act, and after consultation with the Secretary of Commerce and the Secretary of Transportation, the Secretary of Defense shall implement a system—

(1) providing for the timely transmission of information collected on the locations, names, and other identifying features of foreign fishing vessels in the North Pacific Ocean to the fisheries law enforcement offices of the United States Coast Guard and National Marine Fisheries Service; and

(2) requiring any United States military vessel or aircraft which sights a foreign fishing vessel in the North Pacific Ocean to

record the location of such sightings, together with other information including but not limited to the fishing vessels' names and other identifying information, unless the acquisition of such information would jeopardize the mission of the United States vessel or aircraft.

(c) IMPOSITION OF TRADE RESTRICTIONS.—Within sixty days of the date on which Taiwan was certified under the Driftnet Act, the President shall direct the Secretary of the Treasury to prohibit the bringing or importation into the United States of all fish and shellfish products from Taiwan, unless—

(1) an agreement pursuant to the Driftnet Act is in effect between the United States and Taiwan, or their representatives, within sixty days of the date on which Taiwan was certified under the Driftnet Act; and,

(2) during such time as any agreement pursuant to the Driftnet Act is in effect between the United States and Taiwan, or their representatives, the actions of the Government of Taiwan continue to demonstrate in all respects its willingness and ability to abide by the terms of the agreement.

(d) SUPPLEMENTAL TRADE RESTRICTIONS.—At such times as the importation of fisheries products from Taiwan is prohibited under subsection (c) of this section, the President may also order restrictions in the sale of weapons and other military materials to the Government of Taiwan or its representative.

JOHNSTON AMENDMENT NO. 500

Mr. JOHNSTON (for himself, Mr. CHAFEE, Mr. BUMPERS, Mr. SANFORD, Mr. HEINZ, Mr. BENSTEN, and Mr. GLENN) proposed an amendment to the bill S. 1352, supra, as follows:

At the end of title IX of the bill, add the following new section:

SEC. . REDUCTION OF AUTHORIZATION FOR FUNDS FOR SDI PROGRAM AND INCREASE IN FUNDS FOR CERTAIN OTHER PROGRAMS.

(a) LIMITATION ON APPROPRIATIONS FOR SDI.—Notwithstanding the amount authorized to be appropriated pursuant to section 201 for Defense Agencies for fiscal year 1990 for the Strategic Defense Initiative (SDI) program, not more than $3,743,476,800 may be appropriated to such agencies for fiscal year 1990 for such program.

(b)(1) INCREASE IN AUTHORIZATIONS FOR OTHER PROGRAMS.—Notwithstanding section 123 or any other provision of this Act—

(A) $157,000,000 is authorized to be appropriated for the Navy for fiscal year 1990 for long-lead procurement for the V-22 aircraft;

(B) $140,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for re-engining KC-135 aircraft;

(C) $145,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for procurement of AGM-65D Maverick missiles;

(D) $18,100,000 is authorized to be appropriated for fiscal year 1990 for the Army for ammunition; and

(E) $23,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for Research, Development, Test, and Evaluation of the RF-16 reconnaissance program.

(F) $75,000,000 is authorized to be appropriated for fiscal year 1990 for the Defense Advanced Research Projects Agency as follows:

(i) $5 million for high temperature superconductivity.

(ii) $20 million for research and development of high resolution display technologies.

(iii) $15 million for gallium arsenide manufacturing technology and insertion.

(iv) $30 million for X-ray lithography program.

(v) $5 million for the artifiical neural network technology program.

(2) The amount authorized to be appropriated by paragraph (1) for any program is in addition to any amount otherwise authorized to be appropriated by this Act for such program.

SHELBY (AND OTHERS) AMENDMENT NO. 501

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. BINGAMAN, and Mr. HEFLIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 43, between lines 14 and 15, insert the following:

(c) SPECIFIC PROGRAMS.—Of the amount specified in subsection (a)—

(1) not less than $175,000,000 shall be available only for development of the Exoatmospheric Interceptor.

(2) not less than $160,000,000 shall be available only for the development of the Endoatmospheric Interceptor;

(3) not less than $200,000,000 shall be available only for the Free Electron Laser technology intergration experiment;

(4) not less than $156,000,000 shall be available only for Neutral Particle Beam technology; and

(5) not less than $146,000,000 shall be available only for the Innovative Science and Technology Program.

LEVIN AMENDMENT NOS. 502 AND 503

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 502

(a) On page 444, line 8, delete "25 positions" and substitute "15 positions".

(b) On page 444, line 25 through page 445, line 1, delete "after such three-year period so long as" and substitute "for up to four years after the date of enactment of this Act, provided that".

AMENDMENT NO. 503

On page 20, line 14, insert the following:

(d) The Secretary of the Air Force shall take appropriate steps to ensure that the procurement of all B-2 aircraft authorized for fiscal year 1989 and thereafter shall be subject to a contractor guarantee pursuant to section 2403 of title 10 and that the prime contractor for such aircraft shall be rquired to assume a substantially greater responsibility for the cost of corrective actions required under section 2403(b) than under existing contracts for B-2 aircraft. Notwithstanding section 2403(g), the Secretary may negotiate exclusions or limitations on the prime contractor's liability for defects under section 2403(b) only for the cost of corrective action for such defects that exceeds the total of the contractor's actual profits on the production of such aircraft. Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that such steps have been taken.

DIXON AMENDMENT NO. 504

(Ordered to lie on the table.)

Mr. DIXON submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 270, between lines 9 and 10, insert the following new section:

SEC. . TEMPORARY PROHIBITION ON AWARD OF A CERTAIN CONTRACT TO A FOREIGN CONTRACTOR.

The Secretary of the Army may not award to a foreign contractor a contract for the procurement of transmissions pursuant to solicitation DAAE07-89-R-JO33 until after the Comptroller General of the United States (1) has made a determination regarding the applicability of Federal Acquisition Regulation (FAR) 6.302-3 to the award of such contract, and (2) has notified the Secretary whether such regulation is applicable to the award of such contract.

KERRY (AND HARKIN) AMENDMENT NO. 505

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 295, line 25, insert the following: strike the word "treaties," and insert the following "treaties."

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) The large volume of illegal drugs entering the United States from foreign sources poses a direct and immediate threat to the national security of the United States.

(2) The Department of Defense has the responsibility to protect and defend the United States against all threats, foreign and domestic.

(3) The Department of Defense has vast air, ground, and sea reconnaissance, tracking, and intercept capabilities which can be readily adapted to the mission of drug interdiction.

(4) In light of these capabilities, title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), assigned the following three missions to the Department of Defense specifically related to preventing the transit of illegal drugs into the United States:

(A) Being the lead Federal agency responsible for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(B) Having responsibility to integrate into an effective communications network the command, control, communications, and technical intelligence assets of the United States that are dedicated to drug interdiction.

(C) Having responsibility to oversee an enhanced drug interdiction and law enforcement role for the National Guard under the direction of State governors.

(5) Assignment of these missions to the Department of Defense, at no additional cost to the taxpayer, is intended—

(A) to use Department of Defense capabilities to permit law enforcement agencies to eliminate or reduce their performance of certain functions and more efficiently focus their effort on direct law enforcement; and

(B) to make additional funding available for demand reduction programs.

(6) There is a need for the Department of Defense to increase and focus its actions in implementing the provisions of the National Defense Authorization Act, Fiscal Year 1989, related to drug interdiction and law enforcement support, as evidenced by the following:

(A) Required reports concerning the role of the Armed Forces in drug interdiction have been poorly prepared, late, and incomplete.

(B) Agreements between the Department of Defense and all Federal law enforcement agencies involved in drug interdiction have not been completed.

(C) The amended budget request of the President for fiscal year 1990 for the Department of Defense and the most recent five-year defense program submitted to Congress under section 114(g) of title 10, United States Code, do not contain any provisions for the funding of the drug interdiction effort by the Department of Defense.

(D) The Department of Defense and law enforcement agencies have not established an effective intelligence-sharing network.

(E) The Department of Defense has failed to undertake policies to eliminate duplication of effort between the Department of Defense and law enforcement agencies involved in drug interdiction.

(F) The Department of Defense has assigned few personnel to the joint task forces created for drug interdiction.

SEC. 1102. TRAINING EXERCISES IN DRUG-INTERDICTION AREAS.

(a) EXERCISES REQUIRED.—Subsection (b) of section 371 of title 10, United States Code, is amended to read as follows:

"(b)(1) The Secretary of Defense shall direct that the armed forces, to the maximum extent practicable, shall conduct military training exercises (including training exercises conducted by the reserve components) in drug-interdiction areas.

"(2) Not later than December 1 of each year, the Secretary shall submit to the Congress a report on the implementation of paragraph (1) during the fiscal year ending on September 30 of that year. The report shall include—

"(A) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in assisting civilian law enforcement officials; and

"(B) a description of those additional actions that could be taken (and an assessment of the results of those actions) if additional funds were made available to the Department of Defense for additional military training exercises in drug-interdiction areas for the purpose of enhancing interdiction and deterrence of drug smuggling.

"(3) In this subsection, the term 'drug-interdiction areas' includes land and sea areas in which, as determined by the Secretary of Defense, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred.".

(b) FIRST REPORT REQUIRED.—The first report required by section 371(b)(2) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than December 1, 1990.

SEC. 1103. OPERATION OF EQUIPMENT USED AT POINTS OF ENTRY OR USED TO TRANSPORT CIVILIAN LAW ENFORCEMENT PERSONNEL.

(a) PURPOSES FOR WHICH EQUIPMENT MAY BE OPERATED.—Section 374(b)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

"(C) Inspection of cargo, vehicles, vessels, and aircraft at points of entry into the land area of the United States."; and

(2) by striking out ", and the Attorney General" and all that follows through "outside the land area of the United States" in subparagraph (E) and inserting in lieu thereof "and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)".

(b) CONFORMING AMENDMENTS.—(1) Section 374(b) of title 10, United States Code, is further amended—

(A) by striking out paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by striking out "paragraph (4)(A)" both places it appears and inserting in lieu thereof "paragraph (3)(A)".

(2) Section 379 of such title is amended—

(A) by striking out "section 374(b)(4)(A)" in subsection (c) and inserting in lieu thereof "section 374(b)(3)(A)"; and

(B) by striking out "section 374(b)(4)(B)" in subsection (d) and inserting in lieu thereof "section 374(b)(3)(B)".

SEC. 1104. SUPPORT NOT TO AFFECT ADVERSELY MILITARY PREPAREDNESS TO A SUBSTANTIAL DEGREE.

(a) CHANGE IN LIMITATION ON SUPPORT.—Section 376 of title 10, United States Code, is amended—

(1) by inserting "the Secretary of Defense determines that" after "under this chapter if" in the first sentence; and

(2) by inserting "to a substantial degree" before the period in both sentences.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 376. Support not to affect adversely military preparedness to a substantial degree"

(2) The item relating to such section in the table of sections preceding section 371 of such title is amended to read as follows:

"376. Support not to affect adversely military preparedness to a substantial degree.".

SEC. 1105. REIMBURSEMENT.

(a) IN GENERAL.—Section 377 of title 10, United States Code, is amended to read as follows:

"§ 377. Reimbursement

"Notwithstanding section 1535 of title 31 or any other provision of law, a civilian law enforcement agency to which support is provided under this chapter is not required to reimburse the Department of Defense for that support.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to support provided by the Department of Defense after the date of the enactment of this Act.

SEC. 1106. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after section 380 the following new sections:

"§ 381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency

"(a) The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the land area of the United States.

"(b)(1) To carry out subsection (a), Department of Defense personnel may operate equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

"(A) identifying and communicating with that vessel or aircraft; and

"(B) directing that vessel or aircraft to go to a location designated by appropriate civilian officials.

"(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or an aircraft over the land area of the United States.

"(c) The limitation on providing support to civilian law enforcement officials specified in section 376 of this title shall not apply to the activities of the Department of Defense under this section.

"§ 382. Drug interdiction and law enforcement support: budget proposals

"The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for the activities of the Department of Defense related to drug interdiction and support for civilian law enforcement agencies.

"§ 383. National Guard: enhanced drug interdiction and enforcement role

"(a) If the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard submits a plan to the Secretary of Defense under subsection (b), the Secretary may provide to that Governor or commanding general sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel and related expenses of personnel of the National Guard of that State or the District of Columbia used—

"(1) for the purpose of drug interdiction and enforcement operations; and

"(2) for the operation and maintenance of the equipment and facilities of that National Guard used for that purpose.

"(b) A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard are to be used in drug interdiction and enforcement operations;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of title 32.

"(c) Before funds are provided under subsection (a), the Secretary of Defense shall consult with the Director of National Drug Control Policy regarding the adequacy of the plan submitted under subsection (b).

"(d) Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State or the District of Columbia, when such unit is not in Federal service, to perform law enforcement functions authorized to be per-

formed by the National Guard by the laws of the entity concerned.

"(e) The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug interdiction and law enforcement support.

"(f) In this section, the term 'State' means each of the several States, the Commonwealth of Puerto Rico, and any territory and possession of the United States.

"§ 384. Annual report on drug interdiction

"Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the drug interdiction activities of the Department of Defense under this chapter and other applicable provisions of law during the preceding fiscal year. The report shall include—

"(1) specific information as to the size, scope, and results of Department of Defense drug interdiction operations;

"(2) specific information on the nature and terms of interagency agreements with other law enforcement agencies relating to drug interdiction; and

"(3) any recommendations for additional legislation that the Secretary determines would assist in furthering the ability of the Department to perform its mission under this chapter or to assist other agencies.".

(2) The table of sections preceding section 371 of such title is amended by adding at the end the following new items:

"381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.

"382. Drug interdiction and law enforcement support: budget proposals.

"383. National Guard: enhanced drug interdiction and enforcement role.

"384. Annual report on drug interdiction.".

(b) CONFORMING REPEALS.—Sections 1102 and 1105 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2042, 2047), are repealed.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

SEC. 1107. RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL.

Section 375 of title 10, United States Code, is amended to read as follows:

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.".

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS RELATED TO DRUG INTERDICTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the funds appropriated for fiscal year 1990 pursuant to an authorization contained in this act, $450,000,000 shall be available as provided in this section.

(b) OPERATIONS OF THE DEPARTMENT OF DEFENSE.—Of the amount referred to in subsection (a), $135,000,000 shall be available only to carry out the mission of the Department of Defense relating to drug interdiction and law enforcement support (other than for purposes specified in subsections (c) through (g)).

(c) NATIONAL GUARD.—Of the amount referred to in subsection (a), $70,000,000 shall be available only to provide assistance to the National Guard under section 383 of title 10, United States Code (as added by section 1106).

(d) INTEGRATION OF C_3I ASSETS.—Of the amount referred to in subsection (a), $50,000,000 shall be available only to continue the activities of the Department of Defense under section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note).

(e) AIRCRAFT CONVERSION.—Of the amount referred to in subsection (a), $49,000,000 shall be available only to convert existing Marine Corps Reserve OV-10A aircraft for improved drug interdiction performance.

(f) USE OF CERTAIN FACILITIES.—Of the amount referred to in subsection (a), $20,000,000 shall be available only to carry out—

(1) research and development activities under the plan prepared pursuant to section 6163(a) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4350), and

(2) other research and development related to drug interdiction and law enforcement support.

(g) CIVIL AIR PATROL.—Of the amount referred to in subsection (a), $1,000,000 shall be available only to support Civil Air Patrol activities in support of civil law enforcement agencies.

(h) DETECTION AND MONITORING EQUIPMENT.—Of the amount referred to in subsection (a), $125,000,000 shall be available only for the purchase of detection and monitoring systems and associated equipment.

SEC. 1109. REPORTS.

(a) BY THE PRESIDENT.—Not later than April 1, 1990, the President shall submit to Congress a report—

(1) describing the progress made on implementation of the plan required by section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note);

(2) containing an analysis of the feasibility of establishing a National Drug Operations Center for the integration, coordination, and control of all drug interdiction operations; and

(3) describing how intelligence activities relating to narcotics trafficking can be integrated, including—

(A) coordinating the collection and analysis of intelligence information;

(B) ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies responsible for interdiction, eradication, law enforcement, and other counternarcotics activities; and

(C) coordinating and controlling all counternarcotics intelligence activities.

(b) BY THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—(1) Not later than December 1, 1989, the Director of National Drug Control Policy shall submit to Congress a report—

(A) on the feasibility of detailing not more than 200 officers in the Judge Advocate General's Corps of the military departments to the Department of Justice to assist in the prosecution of drug cases in areas in which there is a lack of sufficient prosecutorial resources; and

(B) on the feasibility of permitting the employment of former and retired members of the Armed Forces as law enforcement officers even though they are over age 35 at the time of initial employment.

(2) In preparing the report required by paragraph (1), the Director of National Drug Control Policy shall consult with the Attorney General, the Secretary of Defense, and other appropriate heads of agencies.

(c) BY THE SECRETARY OF DEFENSE.—(1) Not later than December 1, 1989, the Secretary of Defense shall submit a report to Congress—

(A) on the specific drug-related research and development projects to be funded, and the planned allocation of funding for such projects, under section 1108(f); and

(B) containing a plan to increase the employment of the resources and personnel of the Special Operations Command in drug interdiction and law enforcement support.

(2) Not later than April 1, 1990, the Secretary of Defense, in coordination with the Secretary of Transportation and Director of National Drug Control Policy, shall submit a report to Congress on—

(A) the feasibility of establishing aerial and maritime navigational corridors by whidh civilian aircraft and vessels may travel through drug interdiction areas, as defined in section 371(b)(3) of title 10, United States Code (as added by section 1102);

(B) the feasibility of requiring the submission of navigational plans for all civilian aircraft and vessels that will travel in such areas; and

(C) the funding considered necessary to implement a plan to carry out the matters referred to in subparagraphs (A) and (B).

SEC. 1110. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies ..... 371".

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(3) of such title (as redesignated by section 1103(b)) is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

KERRY (AND OTHERS) AMENDMENT NOS. 506 AND 507

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. JEFFORDS, and Mr. HARKIN) submitted to amendments intended to be proposed by them to the bill S. 1352, supra, as follows:

AMENDMENT NO. 506

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The United States Government relies on many of its satellites for communications, reconnaissance, electronic intelligence, remote sensing, detection of nuclear explosions, early warning of attack, monitoring compliance with arms control agreements, and monitoring the activities and movements of hostile military forces.

(2) Such satellites constitute vital integral parts of many United States weapons systems, command, control, and communications systems, and intelligence systems.

(3) It is essential to the national security of the United States that United States Government satellites survive antisatellite attacks.

(4) The Soviet Union has not tested its only antisatellite weapon, a coorbital system, against an object in space since the summer of 1982.

(5) The further development and testing of new antisatellite weapons by the United States and the Soviet Union may make all United States Government satellites and all Soviet satellites vulnerable to each other's antisatellite weapons.

(6) It is in the national security interest of the United States to discourage the development and testing of new antisatellite weapons by the Soviet Union.

SEC. 2. DECLARATION OF POLICY.

(a) PROTECTION OF SATELLITES.—It is the policy of the United States to protect United States Government satellites—

(1) by discouraging Soviet efforts to improve antisatellite capabilities; and

(2) by conducting research, development, and testing on techniques that increase the capability of such satellites to survive physical attack, including such techniques as hardening, resistance, jamming, orbit selection, maneuvering, ground segment improvements, orbiting of spare satellites, deployment of dormant satellites, and signature reduction.

(b) ANTISATELLITE LIMITATION NEGOTIATIONS.—It is the sense of Congress that the President should initiate and conduct good faith negotiations with the Soviet Union with a view to achieving an agreement that provides for (1) the strictest possible limitations on the development, testing, production, and deployment of antisatellite weapons by the United States and the Soviet Union, (2) the dismantling of existing Soviet antisatellite weapons, and (3) verification of the compliance with the agreements.

SEC. 3. LIMITATION ON TESTING OF ANTISATELLITE WEAPONS.

Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by any Act may be obligated or expended to test any weapon against an object in orbit around the Earth until the President certifies to Congress either—

(1) that the Soviet Union has conducted, after August 1982, a test of any weapon against an object in orbit around the Earth;

(2) that the President has requested the Soviet Union to permit the United States to deploy cooperative monitoring and verification technologies at the Soviet laser test site at Sary Shagan and at each other location that the President suspects the Soviet Union to be using for laser testing, and that the Soviet Union has refused to cooperate in good faith to make it possible for the United States to do so, or

(3) that the President has attempted to negotiate with the Soviet Union to establish limitations on the development, testing, production, and deployment of antisatellite weapons, and that the Soviet Union has refused to negotiate in good faith on such limitations.

AMENDMENT NO. 507

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

SEC. . REPORT TO CONGRESS ON THE SURVIVABILITY OF UNITED STATES SATELLITES.

(a) IN GENERAL.—Not later than March 1, 1990, the President shall prepare and transmit to Congress a report on—

(1) the capabilities of United States Government satellites to survive antisatellite attacks; and

(2) the capabilities of the United States (A) to monitor the development, testing, production, deployment, and use of antisatellite weapons by the Soviet Union, and (B) to verify Soviet self-restraint in the development, testing, production, deployment, and use of such weapons.

(b) CONTENT OF REPORT.—The report shall include reviews and analyses of—

(1) the capabilities of United States Government satellites to survive attack by antisatellite weapons, and the future actions necessary to ensure the capability of United States Government satellites to survive such attacks through the end of the twentieth century;

(2) an assessment of the effects on United States national security of—

(A) Soviet antisatellite capabilities;

(B) the development by the Soviet Union, of antisatellite capabilities symmetrical to potential future United States antisatellite capabilities;

(C) the development, by the Soviet Union, of the capability to destroy high-altitude United States Government satellites, including those satellites in geosynchronouos orbit; and

(D) an agreement entered into by the United States and the Soviet Union that provides for (i) a verifiable ban on the development, testing, production, and deployment of all antisatellite weapons, and (ii) the dismantling of all existing antisatellite weapons;

(3) the actions that could be taken to improve the capability of United States Government satellites to survive antisatellite attacks and the projected budgetary costs of taking such actions—

(A) if the Soviet Union were not to improve its antisatellite capabilities;

(B) if the Soviet Union were to develop antisatellite capabilities symmetrical to potential future United States antisatellite capabilities;

(C) if the Soviet Union were to develop the capability to destroy high-altitude United States Government satellites, including those satellites in geosynchronous orbit; and

(D) if the United States and the Soviet Union were to enter into an agreement providing for (i) a verifiable ban on the development, testing, production, and deployment of all antisatellite weapons, and (ii) the dismantling of all existing antisatellite weapons;

(4) United States capabilities to monitor and verify Soviet antisatellite capabilities;

(5) techniques by which the United States could improve capabilities to monitor and verify Soviet antisatellite capabilities, including—

(A) development, testing, producton, and deployment of monitoring equipment, onsite verification equipment, and other verification equipment;

(B) onsite inspections; and

(C) negotiation of an agreement between the United States and the Soviet Union providing for the use of telemetry by each that is readable by the other and other cooperative means with the Soviet Union; and

(6) the desirability of and prospects for limiting Soviet antisatellite capabilities by agreement, including any agreement that would limit development, testing, production, or deployment of kinetic kill, directed energy, nuclear, or any other form of antisatellite weapon or that would limit any other antisatellite capability for any altitude.

(c) FORM OF REPORT.—The President shall transmit the report in a classified form to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives. The President shall also transmit to Congress an unclassified summary of the report.

DECONCINI AMENDMENT NO. 508

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE NATIONAL GUARD.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after section 380 the following new section:

"§ 381. National Guard: enhanced drug interdiction and enforcement role

"(a) If the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia, the commanding general of the District of Columbia National Guard submits a plan to the Secretary of Defense under subsection (b), the Secretary may provide to that Governor or commanding general sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel and related expenses of personnel of the National Guard of that State or the District of Columbia used—

"(1) for the purpose of drug interdiction and enforcement operations; and

"(2) for the operation and maintenance of the equipment and facilities of that National Guard used for that purpose.

"(b) A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard are to be used in drug interdiction and enforcement operations;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of title 32.

"(c) Before funds are provided under subsection (a), the Secretary of Defense shall consult with the Director of National Drug Control Policy regarding the adequacy of the plan submitted under subsection (b).

"(d) When a plan is submitted under subsection (a), the Chief of the National Guard Bureau shall identify the types of oper-

ations proposed in that plan. Before funds are provided to the Governor of a State or the Commanding General of the District of Columbia National Guard under this section for a plan including a particular type of operation, the Chief of the National Guard Bureau shall obtain the approval of the Secretary of Defense for funding of that type of operation in drug interdiction and enforcement plans. The Secretary of Defense, before approving any type of operation, shall consult with the Attorney General of the United States regarding such operations. Operations of a type for which funding has been previously provided to any State or the District of Columbia for plans under the authority of this section or of section 1105 of Public Law 100-456 shall be considered as approved by the Secretary and the Attorney General unless the Secretary shall later communicate to the Chief of the National Guard Bureau a withdrawal of approval for a specified type of operation.

"(e) Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State or the District of Columbia, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the entity concerned.

"(f) The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug interdiction and law enforcement support.

"(g) In this section, the term 'State' means each of the several States, the Commonwealth of Puerto Rico, and any territory and possession of the United States.".

(2) The table of sections preceding section 371 of such title is amended by adding at the end the following new item:

"381. National Guard: enhanced drug interdiction and enforcement role.".

(b) CONFORMING REPEAL.—Section 1105 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2047), is repealed.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized in this Act to be appropriated for fiscal year 1990, $70,000,000 shall be available only to provide assistance to the National Guard under section 383 of title 10, United States Code (as added by section 1106).

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

BIDEN AMENDMENT NO. 509

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 394, below line 23, insert the following:

SEC. 2830. REPORT REGARDING FORT MEADE RECREATION AREA.

Not later than 30 days after the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of conveying to the State of Delaware a parcel of property known as Fort Meade Recreation Area, formerly Fort Miles, Delaware, containing approximately 95.9 acres.

HARKIN (AND KERRY) AMENDMENT NO. 510

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. FUNDING FOR PROGRAMS UNDER THE ANTI-DRUG ABUSE ACT OF 1988.

(a) TRANSFER FROM SDI AUTHORIZATION.—Of the amount authorized in section 201 to be appropriated for fiscal year 1990 and made available pursuant to subsection (a) of section 231 for the Strategic Defense Initiative, the amount equal to the excess of the amount specified in that subsection over $2,000,000,000 shall be transferred to appropriation accounts provided in fiscal year 1990 for the Anti-Drug Abuse Act programs.

(b) AMOUNT TO BE TRANSFERRED FOR EACH PROGRAM.—The total amount transferred to the appropriation accounts for an Anti-Drug Abuse Act program may not exceed the fiscal year 1989 deficiency amount for such program.

(c) ADDITIONAL AUTHORIZATION.—If the total amount transferred pursuant to subsection (a) to the appropriation accounts for an Anti-Drug Abuse Act program is less than the fiscal year 1989 deficiency amount for such program, there is authorized to be appropriated for such program for fiscal year 1990 the amount equal to the difference between that deficiency amount and the amount so transferred.

(d) DEFINITION.—In this section:

(1) The term "Anti-Drug Abuse Act program" means each program for which appropriations were authorized for fiscal year 1989 in the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4181) and for which the amount appropriated for such fiscal year was less than the amount authorized for such fiscal year.

(2) The term "deficiency amount" means, with respect to an Anti-Drug Abuse Act program, the difference between the amount appropriated for such program for fiscal year 1989 and the amount authorized for that program for fiscal year 1989 in the Anti-Drug Abuse Act of 1988.

HARKIN AMENDMENT NO. 511

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. SALE AND USE OF UNITED STATES DOMESTIC MEAT IN ARMED FORCES FACILITIES IN THE EUROPEAN COMMUNITY.

(a) REQUIREMENT TO USE UNITED STATES DOMESTIC MEAT.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2491. Commissary stores and dining facilities: sale and use of United States domestic meat in the European Community

"(a) The Secretary of each military department shall ensure that the meat and meat food products sold in commissary stores of that military department located in any member country of the European Community and the meat and meat food products served in dining facilities of that military department located in any such country are produced and processed in the United States.

"(b) In this section:

"(1) The term 'meat' means meat within the meaning of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

"(2) The term 'meat food product' has the same meaning as provided in section 1(j) of such Act.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2491. Commissary stores and dining facilities: sale and use of United States domestic meat in the European Community.".

(b) GENERAL POLICY.—It is the sense of Congress that the Secretary of each military department should intensify efforts to procure from United States sources the products to be sold in commissary stores of that department, the food products to be served in dining facilities of that department, and the supplies to be used in such dining facilities.

(c) FUNDING.—Of the amounts authorized to be appropriated pursuant to this division, $10,000,000 shall be available to defray the cost of transporting meat and meat products referred to in section 2491 of title 10, United States Code (as added by subsection (a)), from the United States to European Community countries for sale in commissary stores and for serving in dining facilities as provided in that section.

DECONCINI AMENDMENT NO. 512

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 2, line 17, strike out the "$2,706,5000,000" and insert in lieu thereof the following "$2,769,500,000" and on page 2, line 18, strike out the "$2,742,100,000" and insert in lieu thereof the following "$2,805,100,000".

MACK AMENDMENT NO. 513

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the end of title I, procurement, section , Navy and Marine Corps, insert the following:

"No funds shall be authorized for tug and towing services by the Department of the Navy at Port Canaveral, Florida, unless competition for said services is open and unrestricted."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources on July 31, 1989, have been postponed.

The purpose of the hearing was to receive testimony on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally

sound manner. Testimony was also to be heard on S. 972 and S. 1304.

The hearings were originally scheduled to take place on the above mentioned date in the Dirksen Senate Office Building in Washington, DC.

This hearing will be rescheduled at a later date. For further information, please contact Mary Louise Wagner or Teri Curtin at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, July 27, 1989, at 2 p.m., to hold a hearing on Senate Joint Resolution 2, Senate Joint Resolution 9, and Senate Joint Resolution 12, balanced budget amendment.

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

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations be authorized to meet during the session of the Senate on Thursday, July 27, at 10 a.m. to hold a hearing on the Inspector General's Report on International Narcotics Control Programs in Peru and Bolivia.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, July 27, 1989, at 4 p.m., to hold a markup on Senate Joint Resolution 2, Senate Joint Resolution 9, and Senate Joint Resolution 12, balanced budget amendment.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SIMON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 27, 1989, beginning at 9:30 a.m., to hear Linda J. Fisher, nominated to be Assistant Administrator for Pesticides and Toxic Substances, EPA; Timothy B. Atkeson, nominated to be Assistant Administrator for International Affairs, EPA; and J. Clarence (Terry) Davies, nominated to be Assistant Administrator for Policy, Planning, and Evaluation, EPA.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SIMON. Mr. President, I ask unanimous consent that the full Committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 9:30 a.m., July 27, 1989, for a business meeting to consider S. 712, a bill to provide for a referendum on the political status of Puerto Rico.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 1 p.m., July 27, 1989, for hearing to receive testimony on S. 286, a bill to establish the Petroglyph National Monument in the State of New Mexico, and for other purposes; S. 798, to amend title V of the act of December 19, 1980, designating the Chaco culture archaeological protection sites, and for other purposes.

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

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, July 27, 1989, at 10 a.m. to conduct a hearing on vocational education.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SIMON. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on S. 13, the Veterans' Benefits and Health Care Act of 1989 (incorporating provisions of S. 1158, S. 947, and numerous other bills); an original bill to provide for income verification under VA needs based benefits (with provisions derived from S. 1188); S. 190 (as amended by amendment No. 110); and a medical construction resolution amendment relating to the Boston Outpatient Clinic at 9:15 a.m. on Thursday, July 27, 1989, in SR-418.

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

SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Commerce and Tourism, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 27, 1989, at 10 a.m. to hold a hearing on the Japanese space industry—the American commercial challenge.

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

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, July 27, 1989, at 10 a.m. to hold a hearing on the funding for agricultural research.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SIMON. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on July 27, 1989, beginning at 9 a.m., in 485 Russell Senate Office Building, to hold a hearing on S. 143, the Indian Development Finance Corporation Act; S. 1203, the Indian Economic Development Act of 1989; and Oversight on Implementation of the 1988 Indian Financing Act Amendments.

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

COMMITTEE ON THE JUDICIARY

Mr. SIMON. Mr President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 27, 1989, at 10 a.m.

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

ADDITIONAL STATEMENTS

COOPER T. HOLT—A FIGHTER FOR OUR NATION'S VETERANS

● Mr. SASSER. Mr. President, I rise to honor Cooper T. Holt, who is retiring as executive director of the Veterans of Foreign Wars Washington Office.

I have a deep and profound respect for Cooper Holt for several reasons.

First, Cooper Holt is a man of some achievement.

Cooper was born and educated in Chattanooga, TN. But like many others of his generation, he graduated from college at a time of crisis—1943—when the fate of our country and other democratic nations hung in the balance.

He joined the Army in 1943 and served with great distinction in the Pacific, earning the Asiatic-Pacific Theater Ribbon, the Solomon Islands Campaign Battle Star, and the Bronze Star.

Cooper returned home and joined the Chattanooga VFW in 1945 and rose quickly to become the commander in chief of the Veterans of Foreign Wars at the ripe old age of 32—the

youngest commander in chief that the Veterans of Foreign Wars has ever had.

In August 1963, Cooper became the executive director of the VFW Washington Office and has served with great distinction ever since.

The second reason why I admire Cooper Holt is that he is a fighter.

In that regard I am reminded of the story that during the Civil War—in 1862—when President Lincoln was angered over Gen. George McClellan's inability to beat his opponents despite a great superiority in numbers, he wrote a terse one sentence letter to the general as follows:

If you don't want to use the Army, I should like to borrow it for a while. Yours respectfully, A. Lincoln.

Believe me, no one ever had to write a letter like that to Cooper Holt.

He has always been a fighter for our Nation's veterans.

He led the fight to create a Cabinet-level Office of Veterans Affairs.

He has fought tirelessly for laws that provide for judicial review of VA benefit determinations.

And he has always worked for a first rate system of veterans benefits and compensation.

Finally, I salute Cooper Holt because he so admirably symbolizes the spirit of my native State—Tennessee—The Volunteer State.

Whatever the job, Cooper sized it up and did it. He never underestimated his opponents—but he never underestimated his own abilities as well.

Indeed, I am reminded of the time when the British Adm. Alexander Cochrane was going to attack New Orleans during the War of 1812. He boasted that he would be eating Christmas dinner in New Orleans. Andrew Jackson heard the boast, and coolly replied, "It may be so, but I shall have the honor of presiding at that dinner."

Cooper Holt, in his own way, embodies many of the sterling qualities of that great Tennessean—Andrew Jackson.

President Jackson helped make our country a great Nation. And in his way, Cooper Holt has helped to sustain and preserve the ideals of freedom and service on which this democracy is built.●

MOST-FAVORED-NATION STATUS FOR THE SOVIET UNION

● Mr. ARMSTRONG. Mr. President, many Americans have been deeply concerned by proposals by Members of the Congress to waive the Jackson-Vanik amendment and extend most-favored-nation [MFN] status to the Soviet Union before they have met the terms of Jackson-Vanik.

I find these proposals unsettling too.

In an editorial recently published in the Intermountain Jewish News by Mr. William Cohen, the president of the Boulder Action for Soviet Jewry Committee, writes that any waiver of the Jackson-Vanik amendment at this point in time is premature. I agree. He cites that fact that although the Soviet Union has demonstrated increased levels of emigration recently, there has been no substantive reform of "* * * Soviet emigration law and policies [that] guarantee the right and opportunity for freedom of emigration."

As our relations continue to evolve with a Soviet Union that is in the midst of change, we must not allow the few positive steps toward change taken so far by the Soviet leadership to become a substitute for actual, substantive restructuring of the Soviet system. Increased emigration levels are very positive steps. They are not substantive reform of the Soviet emigration system.

I ask my colleagues to read Mr. Cohen's editorial carefully.

The editorial follows:

[From the Intermountain Jewish News, June 2, 1989]

JACKSON-VANIK WAIVER IS PREMATURE

(By William M. Cohen)

Americans and citizens of other Western democracies take for granted their virtually unrestricted freedom to leave and to return to their own countries. Soviet citizens, in contrast, are denied this freedom. Those in power decide who shall be "permitted" to leave those countries.

In 1988, the Soviet government, in an effort to put a new face on its relations with the West, and to improve its human rights image, allowed almost 80,000 of its citizens to emigrate. Included were approximately 19,000 Jews: a slightly greater number of Armenians and ethnic Germans; and Pentecostals. Baptists, Seventh Day Adventists, Ukrainians and others.

If the current rate of emigration is sustained for the rest of this year, approximately 100,000 people, including 35,000-40,000 Jews, could leave in 1989.

This significantly increased level of emigration has prompted some individuals and groups, mostly those interested in trade with the USSR, to call for a one-year waiver of the "Jackson-Vanik" freedom of emigration amendment to the 1974 US Trade Act.

That amendment denies Most Favored Nation treatment to the Soviet Union until it demonstrates a high and sustained level of emigration, free from arbitrary restrictions and discrimination.

The amendment was intended to deny the USSR access to monetary credits and favorable trade tariffs until it demonstrated compliance with international standards, which recognize the universal human right to emigrate.

Overlooked in present discussions of the waiver issue are the express statutory criteria which must be met to justify such a wavier.

Jackson-Vanik requires the President to certify to Congress not only that high levels of annual emigration are being sustained (60,000 Jews per year, according to the legislative history), but also that Soviet emigration laws and policies guarantee the right and opportunity for freedom of emigration.

The requirement that Soviet emigration law and policy be reformed is an essential component of Jackson-Vanik. In 1979, Soviet Jewish emigration reached 51,320, only to be arbitrarily shut off by the Brezhnev government in the wake of deteriorating US-USSR relations, following the Soviet invasion of Afghanistan.

Absent an institutionalized right to emigrate, the Soviets could just as arbitrarily turn the current spigot off and again impose repressive measures to discourage emigration.

Current Soviet emigration policy is still characterized by several pernicious practices:

Some 2,000 long-term refuseniks, many living in refusal 10 years or more, still remain in limbo, subject to official whims and relying on Western pressure to obtain their freedom.

Approximately 10% of present applicants are still being refused on bogus secrecy grounds or because of refusal by applicants' relatives to provide financial waivers, the so-called "poor relatives" class of refuseniks.

The potential for a new 50,000-member refusenik class, out of the 500,000 Soviet Jews who wish to emigrate, refutes the claim that the problem of refuseniks has been resolved.

This past January, the Soviets signed the Vienna Concluding Document (VCD) in the follow-up conference to the Helsinki Accords, expressly agreeing to "fully respect" the right of everyone to "be free to leave any country, including his own, and to return to his country."

In the VCD, the Soviets committed to resolve favorably all pending refusenik cases within six months. Also, since signing the VCD, the Soviets have repeatedly promised to enact emigration reform:

to restrict national security refusals to "strictly warranted time limits";

to eliminate the requirement for family financial waivers;

to provide written reasons for, as well as fair administrative and judicial review of, refusals.

In return for these "promises," the US conceded to a Moscow Human Rights Conference in 1991, while conditioning US participation in that conference on substantial improvement in Soviet human rights practices.

The six-month deadline is rapidly approaching and only a handful of the long-term refusenik cases have been resolved. Emanual Lurie, for example, continues to be refused on grounds of secrecy for alleged classified work he performed 25 years ago. He has been a refusenik for nine years.

Just as significantly, however, the proposed Soviet legislative reform, promised to be "published" this spring, has now been postponed until the fall. Its form, and likelihood for enactment, remain unknown.

Under all these circumstances, it is apparent that the Jackson-Vanik statutory criteria for a waiver have not been met.

To grant such a waiver to the USSR at this time would be tantamount to rendering the policy of Jackson-Vanik meaningless. It would give the Soviet government the wrong message about American resolve in the crucial area of human rights. It would substantially diminish the standard by which the USSR must be judged before it is granted favorable US trade status.

For all these reasons, advocates of emigration, and of the cause of human rights within the Soviet Union, should go on record as supporting a waiver of Jackson-Vanik only when the Soviet Union has met

the following measurable criteria justifying such a waiver:

1. All outstanding refusenik cases must be favorably resolved and those refusenik families must have emigrated from the USSR.

2. The USSR must have enacted into law and implemented legal and procedural reforms in its emigration statutes and practices, which are consistent with the international human right to emigrate under the Helsinki Final Act and the Vienna Concluding Document. These new laws and procedures must institutionalize the right and opportunity of Soviet citizens to emigrate, free from arbitrary restrictions and discrimination.

3. The USSR must have demonstrated a high and sustained level of emigration.

As Senator "Scoop" Jackson stated on Solidarity Sunday for Soviet Jews in April, 1979:

"The law is clear. The Soviets cannot qualify for trade concessions until they assure the President that henceforth their emigration practices will lead substantially to the achievement of free emigration. We have a right to demand that the law is unheld, that the promise is kept."●

CONVENING OF FIRST CONGRESS OF CHINESE STUDENTS IN THE UNITED STATES

● Mr. DIXON. Mr. President, tomorrow marks the opening of the First Congress of Chinese Students in the United States. This historic event, convening in Chicago at the University of Illinois at Chicago, will bring together some 500 Chinese students from all across the Nation and abroad.

Two of the most important Chinese student leaders, Mr. Wuer Kaixi and Yan Jiaqi, will be in attendance at the congress. These two brave individuals were able to get out of China and made their way to France. My distinguished colleague, Senator SIMON, and I were successful in obtaining visitors' visas for them in order that they could come to the United States and speak to their countrymen assembled in Chicago.

I wish to welcome Mr. Wuer and Mr. Yan to the United States, express my admiration for their efforts to advance reforms in China, and wish them and their colleagues success in Chicago.

Mr. President, this congress signifies a new chapter in the prodemocracy movement in China. The movement has not ended or ceased. It is renewing itself. We must be supportive of prodemocracy efforts within China and I pledge my full support for their efforts.●

ECONOMIC OUTLOOK FOR AMERICA

● Mr. BOSCHWITZ. Mr. President, the New York Times 2 weeks ago published an insightful article on the economic outlook for America written by Peter G. Peterson, a former U.S. Secretary of Commerce, is currently an investment banker and chairman of the Council on Foreign Relations and the Institute for International Economics.

In the article Peterson laments that fact that because America has turned into a consumer, credit-oriented society we are now faced with the prospect, for the the first time in the history of the country, that our children will not "do better" than their parents. For example: today the typical 25-35-year-old parent now earns less and lives in a smaller home than his or her parents did at the same age. In addition children under 16 years old are now five times as likely to live in poverty as the elderly.

This is no surprise of course, for the last several years experts have talked about this widening economic disparity between the generations. However, Peterson presents the problem a bit differently than most experts, approaches it not only from an economic perspective but also from a moral one, quoting Dietrich Bonhoeffer who stated that "the ultimate test of a moral society is the kind of world it leaves to its children."

The way it's going now our children stand to inherit a staggering debt—the result of spiraling consumption over the past two decades. Right now America's savings rate is the lowest in the industrial world. Simply in order to keep our economy functioning we have borrowed ourselves into massive debt. To leave that debt to our children and grandchildren is unthinkable, but unless we act now to reduce consumption in this country and regain economic stability, the burden of our excessive consumption will fall to them.

The solution is obvious—in order to ease our debt and dependence on foreign financing we must curb our exorbitant spending and begin saving and investing in earnest.

However, Peterson points out that, though that conclusion was reached years ago, literally nothing has been done. While there is much talk of straightening out the deficit, spending continues out of control and Peterson suggests that we would be more diligent in erasing the debt, if it were something that was going to impact our lives—those of us living and voting today—rather than those generations who cannot yet vote or who are not yet born.

As I said, Mr. President, Mr. Peterson gives us some excellent food for thought and I ask that this article be printed in the RECORD.

The article follows:

[From the New York Times, July 16, 1989]

AN AMERICAN DREAM: WE MUST "DO BETTER" FOR OUR CHILDREN

(By Peter G. Peterson)

I am a son of Greek immigrants. My parents, George and Venetia, came to America in their teens with nothing more than grade-school educations, and from a school in a Greek farm village at that. They were understandably fearful yet full of hope and confidence. This was not only the land of the free but the land of limitless frontiers and resources—a land where dreams come true.

So, like many others, my father went west. He took menial work wherever a recent immigrant with a foreign tongue could find it. He joined his older brother, Nick, and worked for the Union Pacific Railroad. (The foreman had trouble spelling the family name of Petropoulous, or son of Peter. My father followed his brother's example in taking the new name, Peterson—a decision he later regretted.) He labored in a steaming caboose kitchen, suffering more hardships than I can imagine. My father saved much of what little he made, and borrowed as little as possible—and even then only to invest in a better future for his family.

"My son," he used to say, "if we spend a little less and save a little more today, we will all have a lot more tomorrow."

In time, his savings were transmuted into the inevitable restaurant, distinguished not for its cuisine, but by the fact that for a quarter of a century, in Kearney, Neb., the Central Cafe stayed open 7 days a week, 24 hours a day, 365 days a year. During those hours and days and years, my father and mother worked and saved—even during the sobering days of the Great Depression—fully confident that their sons would "do better." I was fortunate to be born into such a family, in such a time.

My father, like many immigrant parents, had a very clear vision of the American Dream. He focused the dream clearly on his own future and most emphatically on his children's and grandchildren's future. Indeed, had his sons not "done better" than himself, he would have regarded it as a personal failure. He never asked what kind of education he could afford for me and my brother. Instead, he asked what was the best education money could buy (as if it were an investment that took priority over any consumption claim).

As for his grandchildren, he used to say that the Apache word for grandfather and grandson is the same, symbolizing the link and lock between generations. That was how he saw his own grandchildren. Late in life, he was delighted to give them his most successful investment, stock in a local onion products factory.

"How are you doing today, big shot?" my father used to ask. In this spirit, I must ask: How are we doing? My generation has been doing fine for itself. But what of our children and grandchildren? Not so well at all. By my father's standards—the standards he applied to himself and to his family—we are failing them.

Today, when we talk about our children, we refer to a list of pathologies: not just to the social problems of suicide, drugs, child abuse, teen-age pregnancy, latchkey children and absent fathers; nor just to intellectual and educational deficiencies like those reported in 1983 by the National Commission on Excellence in Education, which stated: "For the first time in the history of our country, the educational skills of one generation will not surpass, will not equal, will not even approach, those of their parents." The list also extends—with ominous consistency—to economic indicators that threaten to transform the American Dream into something approaching a nightmare.

Up until about two decades ago, Americans would have considered it unthinkable that they could not save enough as a nation

to afford a better future for their children, and that each generation would not "do better" and that the resources we invest into the beginning of life might be dwarfed by the resources we consume at the end of life. Yet, today the unthinkable is happening.

Our net national savings rate is now the lowest in the industrial world, forcing us to borrow abroad massively just to keep our economy functioning. The typical 25- to 35-year-old parent now earns less (after inflation and taxes) and lives in a smaller home than his or her parents did at the same age. And children under age 16 are now five times as likely to live in poverty as are the elderly.

Renewing the American Dream for our children and grandchildren means saving and investing more. And that, in turn, means temporarily consuming less—or, to be precise, temporarily reducing the growth of consumption in order to regain our long-term competitiveness and economic health.

What kind of consumption might we be talking about? The obvious place to start looking is the large and growing flood of federally subsidized consumption we benignly call "entitlements." In the last 25 years, just the increase in these programs (as a share of GNP) has been larger than today's entire defense budget. And with the rapid graying, medicating and "COLA-ing" of America, "we ain't seen nothing yet."

People often confront me with the obvious and brutal question: O.K., Pete, so whose increase in consumption should we temporarily cut?

My father would have understood that the question itself—implying we have thus far avoided any choice—is misleading. With our pathetically small savings and investment for the future, we have already decided whose living standard should suffer: our children's. The real question is: When will we change course? To what extent should those of us now able and alive and mature bear sacrifices for those who cannot yet vote or speak—or indeed, have yet to be born?

The choice is often obscured by the mistaken claim that most of our entitlement spending currently goes to the poor. In fact, the bulk of the vast entitlement edifice consists of nonmeans-tested benefits that go largely to retired Americans, including Congressional and military pensioners. We might think of it as a bloated and ballooning welfare program for the relatively well-off. Only 15 percent of Federal benefits spending is disbursed on the basis of financial need. Such spending is often woefully inadequate, especially to children below the poverty line—the majority of whom do not have access to any public help, either in cash or in health care.

At first glance, addressing this seems to be an economic, social or mainly a political question. But my father would have understood it as a moral question. Indeed, he could barely imagine an ethical goal more universal than fairness to the poor. But it requires a noble act of moral imagination to see life as the Apaches saw it—to see that the fate of our grandchildren, individually or collectively, is indistinguishable from our own.

This is the ethic of endowment, not the ethic of entitlements. As Abraham Lincoln once said: "Few can be induced to labor exclusively for posterity, and none will do it enthusiastically. Posterity has done nothing for us; and theorize on it as we may, practically, we shall do very little for it unless we are made to think we are, at the same time, doing something for ourselves."

Exactly. It is the blessing of millions of mature Americans today that we once had parents who, like my own, felt little reward from work unless it was part of an effort to make life at least as rewarding for their children.

It is likewise a mystery that, looking at our own children, we now find it so easy to separate the two issues. For ourselves, we make certain. For posterity, we "theorize on it as we may." We swagger with good intentions, with ebullient hopes, with "iron-clad" budget-balancing rules, with "tough" rhetoric about "tough" choices. But we do not make certain as if it were ourselves.

Dietrich Bonhoeffer once observed that "the ultimate test of a moral society is the kind of world it leaves to its children."

Today, few of us feel comfortable that we are passing such tests. Still fewer realize that the only moral test we ever really pass is the dream-come-true that generates as much satisfaction in giving as in receiving. Although I am certain my father never heard of Dietrich Bonhoeffer, I am certain he would have understood his simple message. Like family like nation.●

CALL TO CONSCIENCE VIGIL

● Mr. GRAHAM. Mr. President, I am pleased to join several of my Senate colleagues in the congressional Call to Conscience Vigil by speaking out on behalf of victims of human rights abuse. Particularly, I would like to address the plight of Igor and Inessa Uspensky and their son Slava, Jewish citizens of Moscow who have been denied emigration to Israel since 1979.

The Uspensky family first applied for emigration visas in 1979 and were rejected. At the time, the Uspenskys were well respected and productive members of Soviet society. Since applying for emigration visas, however, both have lost their jobs and been ostracized by the medical community; they are considered disloyal to their homeland and viewed as enemies of the Soviet state. Although both Igor and Inessa hold Ph.D.s, Inessa works as a typist and Igor as a elevator operator.

Ten years later, they still long to be united with their culture and family in Israel. Yet, Soviet officials continue to deny emigration to the Uspensky family. They accuse them of being a threat to state security. The reasons? Inna's brother and Igor's mother worked for official state agencies and are accused of holding state secrets. Ironically, Inna's brother emigrated to Israel in 1988. Igor's mother, Irina Voronkovich, has been retired as a professor from the U.S.S.R. Ministry of Agriculture since 1976.

Just as tragic is the case of their son, Slava. Salva, called by his preferred Jewish name, Hillel, has suffered immensely as a result of his Jewish roots. Slava's only crime is an acute interest in his Jewish cultural heritage. In high school, he was denied matriculation and educational opportunities because of his study of the Torah and Hebrew. As a result, he has been unable to pursue his chosen career in biology and medicine and has turned to a lifestyle working as a messenger and as a homeworker for the disabled. He also teaches the Torah to Soviet children in Jewish Sunday school.

Moreover, Slava has been separated from his wife, Alla Mendelev, since she emigrated to Israel in February 1989. Alla was granted a visa in the fall of 1988, just before she secretly wed Slava in a Jewish ceremony. Soviet officials do not recognize their marriage as legitimate. This spring, Alla had their first child, Natalie, alone, in Israel.

For 2 years, Soviet officials have refused to consider Slava's emigration application separately from his parents. Igor and Inessa had hoped that a separate visa application would facilitate Slava's emigration by disassociating him from his family. Slava holds no state secrets; he has no college education. Soviet authorities, however, still hold him accountable for his grandmother's ties to the Soviet state.

Slava continues in his efforts to be reunited with his wife and child in Israel. He reapplied for permission to emigrate, attaching copies of his marriage license and daughter's birth certificate. In November 1988, he staged a hunger strike to bring attention to his and similar refusenik cases. His message has gone largely unheeded.

This March, in an appeal through the American Jewish Community, Slava Uspensky called on members of the Free World and the United States Congress to remember the plight of Soviet refuseniks and to remain committed to their release:

> The perestroika did not reach us yet. Our hunger strike last November for 13 days showed us that we are not alone in our struggle and that we have many, many friends all over the world—but not, unfortunately, among Soviet officials. International talks are now much more frequent than earlier. Please remind them about our plight. Please help us to be again a unified family.

I call on my congressional colleagues to heed this call to conscience.

Since writing this statement, Inessa, Igor, and Slava have been promised permission to emigrate from the Soviet Union. At this time it is unclear whether the Uspenskys will leave for Israel. Igor and Inessa hesitate to leave Irina Voronkovich, who has not been promised a visa.

Igor recently cabled Soviet Foreign Minister Shevardnadze to allow his 77-year-old mother to emigrate to Israel. Originally, Soviet officials stated that within 5 years after retirement, Irina would no longer be a threat to state security; this was 13 year ago. Irina's father died in World War II and her mother was executed in Stalin's purges. Igor, Inessa, and Slava are her only family.

Although I am pleased about the positive developments in the Uspensky case, the family is far from being released. This case serves as a blatant reminder of the inconsistency and injustice of Soviet emigration policy. It is encouraging that Soviet authorities have recently begun lifting emigration barriers; however, it is too early to determine whether the Soviet Union will sustain it efforts in this regard. Soviet officials have made no efforts to codify changes in emigration policy.

Though the Soviet Union claims to promote an era of openness—glasnost—it continues to turn its back on the religious and personal suffering of Soviet Jews. We members of the free world must not be indifferent to this persecution. It is imperative that we continue to pressure Soviet officials to respect human rights including religious and political tolerance. Perhaps with our continued efforts all such tragic stories of divided spouses and family reunification can be resolved.●

THE SILENT WAR

● Mr. PELL. Mr. President, on May 21, 1989, I attended the inauguration of the North Smithfield Library in North Smithfield, RI. A speech was given at the event by Mark Patinkin, a Pulitzer Prize winning journalist and syndicated columnist based at the Providence Journal Bulletin. I was so impressed by Mr. Patinkin's discussion of what he terms the Silent War, or threat of the fierce competition from other nations entering U.S. markets on every front, that I wanted to share it with my colleagues.

Mr. Patinken's speech was based on his recent book, "The Silent War," which he coauthored with Ira Magaziner. Mr. Patinkin and Mr. Magaziner have been traveling around the globe for the past 2 years investigating how and why so many nations have surpassed us economically in a staggering number of areas. They offer sound and encouraging advice on ways that we can compete more effectively in the international arena. For policy makers this book is required reading, and I would urge my distinguished colleagues to pick up a copy.

We have much to learn from the stories told by these two men regarding the role of government in the support of research, development, and manufacturing if we are to successfully compete on the aggressively competitive global economic battleground. The following transcript of Mr. Patinkin's speech which I submit for the RECORD offers a few of those lessons.

The speech follows:

THE SILENT WAR

I arrived at my office to find a phone message from a name I recognized mostly from afar. Ira Magaziner—I knew of him as a former Rhodes Scholar and global business strategy consultant based in my home state of Rhode Island. We sat down and he told me what he had in mind.

In his career, he'd worked for hundreds of companies around the world—from Volvo to Mitsubishi to General Electric. Over time, he'd grown increasingly alarmed at how our competitors, even unlikely competitors like Singapore and France, were becoming far more sophisticated at international business than we were. Just as disturbing, he saw foreign governments giving their companies far more help in competing than our own was.

He was convinced a new war was unfolding, a silent war, one that would determine which nations would be able to leave their children a higher standard of living. He began to tell me of the battles we've lost.

He pointed out that there was only one U.S. company left making color televisions. No U.S. company had ever made a VCR. In the last few years, Korea had taken away much of our microwave oven industry. We've even fallen behind in semiconductors—Japan was now the world leader. The irony, he said, was that each of those products was an American invention. But too often, we got the patents while our rivals got the profits.

Now he wanted to write a book that would warn of the threat—not a book of economic analysis, but one that would tell the inside stories of how our fiercest competitors were invading U.S. markets, and how the best of American companies were fighting back.

About two years ago, we left on the first of six trips around the world. One of our early stops was Singapore. It was new to me. I'd never been to the Far East before. I pictured rows of unskilled workers bent over sewing machines. Instead, I found a tiny nation that has begun to resemble Silicon Valley, bristling with the kind of firms any U.S. governor would covet. At first, I thought Singapore had lured those companies with the classic bait of a Third World country—low wages. It's not that way anymore.

We sat down with a well-groomed young man named Wong Lin Hong, the managing director of Micropolis, a typical Singaporean company. It doesn't make cheap radios or clothing. It makes computer disk drives, which is typical enough. Eighty percent of the world's disc drives are made there. I wondered how a low-skilled country could have dominated so high tech a product. Mr. Wong gave me the answer. It's true that he grew up in a shanty, the son of a junk dealer, but today, Mr. Wong is an engineer. So are his three brothers. So is his sister. So is his sister-in-law. That is our new Third World competition.

We also visited an Apple computer plant there. In the early 1980s, Apple put up a simple plant in Singapore making memory boards—a low-skill job. That was all Apple thought it could make in a low-skilled Third World country. But Apple's Singaporean workers wanted to prove they could do more. They began to volunteer nights and weekends for special classes in the country's vast new network of worker training institutes—built by the government to arm its people in the skills of the 1990s. Eventually, Apple's management in Cupertino, Calif., realized one of its most skilled workforces anywhere was in Singapore. So it made a bold decision. It built a major new plant there. And today, every single Apple II computer, one of the most successful personal computers ever designed—a true American symbol—is made in Singapore, not because of low wages, but high skills.

We found similar stories in Korea, in Hong Kong, in Taiwan. That, I learned, is the reality of today: an increasingly aggressive Third World.

But we had one other question we wanted to answer: what about the products of tomorrow? Who will win those battles? To help understand the answer, we went to Japan.

We went there not to simply explore a high tech product, like semiconductors, but a true product of the future, one that wouldn't be big until the next decade or century. There were many we could have chosen—superconductors, advanced ceramics, micro-electronics. We decided to focus on photovoltaics; solar energy—the conversion of sunlight to electricity by way of silicon cells. Right now, it's about a $300 million a year industry, but many are convinced it will be worth billions in a decade. Which nations will harvest that wealth?

We met two men who helped show us the answer. The first, Joseph Loferski. He's considered one of the fathers of solar science and symbolizes why America has been a world technology leader for so long: the backing of government. Loferski's education was federally funded, so was his research at RCA, and then, government reached out to him again, putting him on a special team to perfect the solar cells that powered our first satellites. When he decided to move to Brown University, he found the faucets still wide open again, and was able to buy over a million dollars in equipment and staff his lab with a dozen workers. By the late 1970s, we were the world's clear solar leader, just as we led in electronics, semiconductors and aeronautics.

The second man who opened our eyes about the solar race was Yutaka Hayashi. Although Japanese, he knew that to get a top science education, there was only one nation to go to. And he did, graduating from Stanford, then returning home to join Japan's first rudimentary solar effort, begun after the 1973 oil crisis. His reality was the opposite of Loferski's—he was stuck in a crowded, underfinanced lab, forced to beg companies for second hand equipment and to read U.S. solar magazines for the latest breakthroughs. We were the leader, Japan the copiers.

But in the 1970s, that began to change. Japan's government became convinced that to keep its people prosperous into the next century, it wouldn't be enough to be a nation of good manufacturers. They'd have to be good innovators, too. And so, in the late 1970s, Japan began one of its biggest technological projects ever—the building of a science city two hours south of Tokyo, bigger than almost any U.S. college campus; hundreds of buildings and thousands of scientists, whose key mission was to help companies compete.

I visited that Science City two summers ago. One of its most impressive labs was dedicated to solar cells. It had millions of dollars of equipment and well over a dozen scientists. One of them was Dr. Yutaka Hayashi, now armed with the best that money can buy.

The postscript to this story: when oil prices dropped, America slashed its solar funding to the bone. In Japan, where oil prices also dropped, they actually redoubled their solar effort. Today, Japan is the world's clear solar leader.

Unfortunately, it's the same in other products of the future—from superconductors to advanced ceramics.

I came away from our time abroad convinced that America is now in a fierce horse race. But our time exploring companies at

home showed me there's no reason we have to lose.

First—can American win when a Third World country begins challenging us with $2 an hour labor? We can and the proof is the refrigerator, one of the great American products. You may find Sony stereos in your living room, but you don't find Mitsubishi refrigerators in your kitchen. That almost changed a few years ago when Japan put a low-wage plant in Singapore to make refrigerator compressors, the heart of the machine, as important as an engine in a car.

At General Electric, our biggest refrigerator maker, a number of executives wanted to simply give up—shut their compressor plant and import from the competition. They had to pay their workers $17 an hour with benefits; there was no way they could fight back against $2 an hour rivals. But a number of engineers insisted on standing their ground. They argued that the only way to build a prosperous company, and country, was through manufacturing. They convinced GE management to make its biggest factory investment ever—$120 million into a new compressor plant so automated it would allow our workers to be ten times as productive as their competition. GE is still working out the bugs, but that plant is now completed, and capable of allowing $17 U.S. workers to build cheaper compressors than their $2 an hour competition.

The next question—can we go beyond stopping imports at the border and succeed at exporting? Few U.S. companies even try. Of America's 360,000 manufacturing firms, only 10 percent export. But we found one that proves any company can do it: Cross pens and pencils, a non-high-tech, non Fortune 500 firm. A number of years ago, Cross realized it would one day stop growing if it didn't move beyond America. But it saw other U.S. firms who'd tried to export and given up after a year or two of failure. So Cross came up with a key strategy: it vowed it would care more about market leadership next decade then stockholder payoff next quarter. In every new foreign market it took on, it resolved to stick it out for a least five years. In many countries, to establish a solid beachhead of salespeople and advertising, it spent ten times the profit it was harvesting. And it made sure to tailor its products to foreign tastes. It saw how U.S. auto companies ship cars to Japan with the steering wheel on the left even though the Japanese drive with it on the right. To avoid that kind of mistake, Cross adjusted its goods for different markets, in one case going so far as to come up with a whole new product—a fountain pen for European buyers. The strategies have worked. Today, Cross sells in 150 countries, from Fiji to Andorra; it's the top selling status pen in Japan, and a key player in Europe, bringing millions of dollars into America when usually it's the other way around; our dollars flowing into foreign pockets.

Finally, can America lead in products of tomorrow? We can, and the proof we found is Corning Glass. About 15 years ago, it came up with the greatest breakthrough in telecommunications since Alexander Graham Bell invented the telephone: fiber optic phone lines. Instead of talking by electricity over copper wire, Corning found a way to let us talk by light over glass—our voices carried on microscopic laser beams over hair thin glass fibers that run for miles. Corning's executives went to Japan to sell their breakthrough. The Japanese acknowledged it was an astounding product. But they refused to buy. They refused because Japan had targeted fiber optic phone lines as a key industry of the future, and had resolved to manufacture it on its own. The only way Corning could get a piece of the action, Japan said, would be to license over its technology. In the last 20 years, U.S. companies have done that routinely, selling over 45,000 technology licenses to Japan. But in this case, Corning refused. Japan's response: it formed a coalition of fiber optic phone line companies and backed them with millions of research dollars.

That meant Corning had to spend millions more of its own to keep improving its product. It has paid off. Travel the world today and you'll see Japanese cars everywhere, America cars restricted mostly to our own market. But look close at the worlds phone systems and you'll see American technology everywhere, and Japan boxed inside its own borders.

So we can win.

But not simply by dropping the value of the dollar as our only strategy for competing. To stay ahead, we have to win in the lab, in the factory and in the marketplace. We have to match the strategies now unfolding around the world. In Japan, governments and companies are spending millions to research products of the future. In Singapore, they're spending millions to train workers in the skills of the future. In Europe, they're spending millions to export into the markets of the future.

We have to do the same.

In Spring of 1987, my co-author, Magaziner, met a Japanese government official for lunch as part of one of his consulting jobs. The official began discussing Japan's latest economic vision. In the methodical way of Japanese, he explained how they'd charted out the exact point where they expect to pass America by as the world's technology leader—right around the year 2000.

Then he asked Magaziner a question. He wondered what had happened to our economic will? Why is it, he asked, that except for military pursuits, we no longer seem to want to win? Magaziner wasn't sure what answer to give him. But after 70 visits to Japan, he's convinced of something. Although the Japanese are good, we can be better. They and other nations—from Singapore to Germany—may well win the economic race, but only if we let them.●

FOREIGN RELATIONS AUTHORIZATION AMENDMENT RE HONG KONG AMENDMENT NO. 362

● Mr. BRADLEY. Mr. President, last week the Senate passed an amendment I had offered to the foreign relations authorization bill that highlights the plight of the people of Hong Kong following the June 3-4 massacre of prodemocracy demonstrators in Beijing. The amendment requires the Secretary of State to report to Congress no later than January 1, 1990, on the implications of the massacre for Hong Kong, and on the administration's policy and plans to help ensure the stability of Hong Kong and the democratic rights of its people after the reversion of the territory to Chinese rule on July 1, 1997.

The American people, the administration, and Congress have all rightfully condemned in the strongest terms the tragic events in Beijing on the night of June 3d and the morning of the 4th, when Deng Xiaoping and his supporters sent armed troops to crush the millions of Chinese people who wanted nothing more than a chance to participate in the running of their country. Thousands were killed during the ensuing violence, and more have been detained—and executed—since.

But while we have been expressing our outrage and concern for the Chinese people now, we appear to have all but forgotten the people of Hong Kong, who will come under the People's Republic of China sovereignty of July 1, 1997.

Under the terms of the 1984 agreement between the United Kingdom and the People's Republic of China, Hong Kong will keep its current social and economic system for 50 years after it reverts to China in 1997. The agreement, however, did not specify the political arrangements which would govern Hong Kong after reversion, leaving the details to be decided through tripartite discussions between China, the United Kingdom, and Hong Kong.

A draft basic law, Hong Kong's mini-Constitution after 1997, has been completed and is now open for comment in Hong Kong. The draft currently provides for a continuation of the democratization process that the British have begun in Hong Kong, but that process will be so gradual that more than a decade after the reversion only half of the island's legislators will be directly elected.

Many in Hong Kong fear that the lack of fully elected legislature will weaken the voice of the Hong Kong people in dealing with the Beijing Government. The Office of the Executive and Legislative Councils has recently called for full Legco elections by 1995. The United Kingdom has not yet endorsed this, but has recognized the need to accelerate the democratization process in Hong Kong prior to the reversion.

Because the 99-year lease on the majority of Hong Kong's territory is due to expire in 1997, the United Kingdom has been at a disadvantage in its dealings with Beijing. Indeed, for decades following the establishment of the People's Republic of China, the Beijing Government refused to formally recognize the lease granted by the failing dynasty government in 1898. Many were surprised that the People's Republic of China didn't actively contest the lease, and no one thought Beijing would even consider extending it after the July 1997 expiration. As a result, the 1984 Sino-United Kingdom joint declaration on Hong Kong is widely viewed as being merely the best that

could be reached under the circumstances.

In the aftermath of the Tien An Men incident, the United States must work with its friends and allies in the region, especially Japan, to strengthen the hands of the British and the people of Hong Kong in negotiations with the Beijing regime. The Chinese need to clearly understand that one of the costs of the massacre may be changes in the conditions under which they regain sovereignty over Hong Kong. The people of Hong Kong must have a say over Beijing's ability to amend or interpret the Basic Law; over the stationing of PLA troops in the territory; and over Beijing's ability to declare martial law. And they will only have this strength if their legislative body has the full legitimacy granted it by full, direct elections.

I am not suggesting that the United States should get directly involved—interfere—in the reversion process. But the United States and its allies have a strong interest in the political and economic stability of Hong Kong, for moral and for pragmatic reasons. We must support the United Kingdom and Hong Kong as they continue their negotiations with the Chinese authorities. My amendment merely directs the administration to report to the Congress how it believes the United States can attain this goal. To do anything less would be unconscionable.

And if passage of the amendment sends a signal to Beijing, so much the better.●

Mr. LEAHY. Mr. President, will the distinguished majority leader yield to me for a unanimous-consent request?

Mr. MITCHELL. I yield.

FILING THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY 302(b) PROGRAM ALLOCATION

Mr. LEAHY. Mr. President, pursuant to section 302(b) of the Congressional Budget and Impoundment Control Act, I am submitting the Committee on Agriculture, Nutrition, and Forestry's 302(b) program allocation. These allocations are based on the resolution adopted on May 18, 1989.

I ask unanimous consent that the committee's allocation be printed in the RECORD.

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

AGRICULTURE, NUTRITION, AND FORESTRY COMMITTEE
302(b) ALLOCATIONS

Program	Budget authority	Outlays
Rural development, electric and telephone programs	$984	$228
Conservation, land management and forestry programs	628	626
FmHA and farm credit programs	1,081	3,267
Farm and commodity programs	14,922	9,955
Ocean freight differential	48	48
Nutrition programs	18,801	18,905
Committee total—Direct spending	12,776	14,035
Committee total—Entitlements funded in appropriations accounts	23,689	18,993

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, while awaiting the Republican leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, having the distinguished Republican leader on the floor, if I might have his attention, I would ask the distinguished Republican leader now if he has any objections to the report on the Disaster Assistance Act to the filing of that report together with a bill at this point?

Mr. President, I will withhold on that request a moment.

DISASTER ASSISTANCE ACT REPORTED OUT OF THE COMMITTEE ON AGRICULTURE

Mr. LEAHY. Mr. President, I ask unanimous consent that the bill passed by the Committee on Agriculture, Nutrition, and Forestry, together with its report and together with additional views of Senators GORTON, LUGAR, DOLE, HELMS, and MCCONNELL, be reported and the 1-day waiting period be waived.

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

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations:

Calendar 251, Harry M. Snyder to be Director of the Office of Surface Mining Reclamation and Enforcement; and

Calendar 252, William C. Brooks to be an Assistant Secretary of Labor.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE INTERIOR

Harry M. Snyder, of Kentucky, to be Director of the Office of Surface Mining Reclamation and Enforcement.

DEPARTMENT OF LABOR

William C. Brooks, of Michigan, to be an Assistant Secretary of Labor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS-CONSENT AGREEMENT—S. 1153, THE AGENT ORANGE BENEFITS BILL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed to the consideration of Calendar No. 166, S. 1153, the agent orange benefits bill. I further ask unanimous consent that S. 1153 be considered under the following time limitation:

Sixty minutes on the bill, including the committee substitute, to be equally divided between Senators CRANSTON and MURKOWSKI, or their designees, and 15 minutes on the bill under the control of Senator SIMPSON: and that no amendments or motions, except reconsideration and tabling motions, be in order.

I further ask unanimous consent that at the conclusion of yielding back of time, the Senate, without any intervening action, proceed to adoption of the committee substitute, third reading, and final passage of the bill.

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

U.S. CUSTOMS SERVICE 200TH ANNIVERSARY YEAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 167, House Joint Resolution 363, which designates 1989 as the "United States Customs Service 200th Anniversary Year."

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 363) to designate 1989 as "United States Customs Service 200th Anniversary Year."

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

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

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

The joint resolution (H.J. Res. 363) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

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

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

The motion to lay on the table was agreed to.

CHANGE OF DATE FOR SUBMISSION OF COMMITTEE RECONCILIATION RECOMMENDATIONS TO THE COMMITTEE ON THE BUDGET

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time by which Senate committees must submit their reconciliation recommendations to the Committee on the Budget pursuant to section 5 of the concurrent resolution on the budget, House Concurrent Resolution 106, be changed to 5 o'clock in the afternoon of Thursday, August 3.

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

ORDER THAT ENVIRONMENT AND PUBLIC WORKS COMMITTEE HAVE UNTIL 5 P.M. TOMORROW TO REPORT S. 686

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Environment and Public Works Committee have until 5 p.m. tomorrow to report S. 686, the Oil Pollution Liability and Compensation Act of 1989.

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

COMPARISON OF THE AGRICULTURE COMMITTEE BILL WITH THE ALTERNATIVE

Mr. DOLE. Mr. President, I just want to put into the RECORD, so Members would have knowledge of it, a comparison of the committee bill that the distinguished Senator from Vermont has talked about and the alternative that we now distributed, at least to two or three Senators. We have only had it for a few minutes or I would have gotten it out earlier.

I ask unanimous consent that it be printed in the RECORD so Members may have an opportunity to take a look at it and give us their views. I share the view expressed by the chairman that if we can come together—I do not believe we are that far apart—we could do this very quickly on Monday.

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

COMPARISON OF COMMITTEE BILL WITH ALTERNATIVE

Item	Committee	Cost	Alternative	Cost
Program crops participants with crop insurance.			35/65/80	321
Other program crop participants, peanuts, sugar, etc.	40/65/80	697	40/65/80	423
Advance disaster payments.	Required	0	Required	0
Nonparticipants, Nonprogram crops.	45/65/80	271	50/50	160
Soybeans	45/65/80	124	45/65/80	124
Damaged fruit	Drop	(50)	Drop	(50)
Double payments	Prohibited	(20)	Prohibited	(20)
FCIC nonduplication	Same as 1988	(10)	Same as 1988	(10)
Payment limit	do	(50)	do	(50)
1988 advance defic. payments.	Defer	0	Defer	0
Canola planting	Included	(10)	Included	(10)
Peanut shrink	do	0	do	0
Orchard freeze	Covered	3	Covered	3
Other provisions (livestock, etc.).	Included	0	Included	0
Total		955		891

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I do not want to cut into the leaders' time. I am going to need 3 to 4 minutes as in legislative session. I apologize to the leaders. I do not want to cut into their time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Vermont be recognized to address the Senate for 5 minutes, following which the Senate stand in recess under the previous order until 10:30 a.m. on Monday, July 31.

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

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the distinguished majority leader.

I note the paper put into the RECORD by the distinguished Republican leader is the one he showed to me.

THE B-2 STEALTH BOMBER

Mr. LEAHY. Mr. President, I rise this evening to declare my strong opposition to the B-2 Stealth bomber.

Yesterday, when the House of Representatives voted not to kill this program, we could hear the sighs of relief all the way from here down to the Pentagon. The Senate had earlier voted to make only minor cuts in the program and set up some hoops the project could jump through—better than nothing, but just barely. The House merely delayed the program by cutting $1 billion in procurement.

I fully intended to offer an amendment to the Defense authorization bill to kill the B-2. We cannot afford it and we do not need it.

However, after discussions with others opposed to the B-2, I have decided not to offer my amendment on this bill. I can count after almost 15 years here, and I know the votes to stop this $70 billion plane are not yet there. We opponents need to do a lot more time work to convince Senators it is time to find the courage to kill the largest defense program in history. We have got to find a way to counter the avalanche of Madison Avenue hard sell coming out of the Pentagon and Northrop.

Tonight, I put the Senate on notice that the B-2 fight is not over. It has only just begun. I will offer an amendment to kill the B-2 on the Defense appropriations bill.

I am determined to fight the B-2 as long as it takes, because it is painfully clear in this era of massive Federal deficits and declining defense budgets we simply cannot afford the B-2 bomber. And, I do not believe it is essential for our national security. There are much more affordable alternatives.

Mr. President, several years ago I strongly opposed President Reagan's decision to buy the B1-B bomber. I felt the Stealth bomber should be the next generation of penetrating bombers. However, I never said I would support two new strategic bombers and never offered carte blanche support to the Stealth.

Over the past several weeks, as the layers of secrecy on this program have been peeled off, the case against the B-2 has grown. The plane is not worth its cost.

We presently have more than adequate deterrence with cruise missiles, the MX, the Minuteman, the Trident D-5, the B1-B, and the advanced cruise missile. Armed with cruise missiles, B-52 and B-1 bombers can launch thousands of nuclear warheads from a standoff position outside Soviet air defenses. In the age of cruise missiles, we no longer need penetrating strategic bombers.

Back when the B-2 was being sold to Congress in the development stage, we were told its main mission was going to be to attack mobile missiles in the Soviet Union. The latest Air Force briefing paper now reluctantly admits that the B-2 will be unable to attack these targets in the near or mid-term future.

Earlier this month, Defense Secretary Cheney begged Congress not to nickle and dime the B-2 program. This week we ignored that advice. The House amendment to cut procurement by $1 billion will increase program cost by $3.3 billion according to Air Force budget officials.

Mr. President, 2 years from now we have to have our deficit down to $28

billion. Only real cuts in programs—including in the $300 billion defense budget—are going to do that. We have already sunk $22 billion in the B-2. Congress should not agree to pour another $48 billion into the single most expensive weapons system in the history of the world.

The plane is not worth its cost. We should take a bold step and kill it and I hope the Senate will support my amendment later this year.

Mr. President, I yield back my time. I would assume that would bring us into the recess.

ORDERS FOR MONDAY, JULY 31, 1989

RECESS UNTIL 10:30 A.M. AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m. on Monday, July 31, and that following the time for the two leaders there be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

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

RESUME CONSIDERATION OF S. 1352 AT 11 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 11 a.m. on Monday, July 31, the Senate resume consideration of S. 1352, the Department of Defense authorization bill.

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

RECESS UNTIL 10:30 A.M., MONDAY, JULY 31, 1989

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 10:30 a.m., Monday, July 31, 1989.

Thereupon, at 10:04 p.m., the Senate recessed until 10:30 a.m., Monday, July 31, 1989.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 1989:

DEPARTMENT OF LABOR

WILLIAM C. BROOKS, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF THE INTERIOR

HARRY M. SNYDER, OF KENTUCKY, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.